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	193		195			
1	did she say to you?	1	the squeal; but when you heard the squeal, that			
2	A Basically I just told her, "We're at	2	turned your head backwards towards the direction of			
3	the Shell. You passed by us," because she said,	3	the squeal			
4	Where are you going? I don't see you guys" she	4	A Yes.			
5	just said, "I'm going to go to the next light and	5	Q the squealing tires?			
6	make a U-turn and come back. Just stay where you	6	A Yes.			
1 7	guys are."	7	Q And that's when you saw a patrol car			
8	Q Did she say she was in front of the	8	turning around?			
9	Queens Tavern where she was expecting to pick you	9	A Yes.			
10	up?	10	Q Making a U-turn, in effect?			
111	A Yes.	11	A Just making pulling out, made a			
12	Q And that's only literally maybe a	12	U-turn.			
13	couple of car lengths, a few car lengths in front	13	O Were you watching the patrol car as it			
14		1	then came right up to your position?			
15	of where you already were? A You can't stop in the middle of the	14	A At that time, that's when I started			
1	<u>-</u>		•			
16	street, so obviously she didn't see us, so she	16	dialing my phone. My wife called I don't			
17	called or I called. Basically conversation was,	17	remember who called first, and I was talking to			
18	"You just drove past us." She said, "I don't see	18	her; and as I was walking and talking, the police			
19	you guys. I'll go to the next light and make a	19	car, patrol car was by my side, basically at my			
20	U-turn and come back and pick you up."	20	waist. The window was by my waist as I was talking			
21	Q You never made any suggestion, "Wait	21	on the phone.			
22	there for a second. We're going to be there in ten	22	Q And who was the first one to speak			
23	seconds"?	23	then?			
24	A No. She said, "I'm going to go to the	24	A I stopped once my wife said, "Stay			
25	next light, make a U-turn and come back."	25	where you guys are," so I literally stopped and			
	194		196			
1	Q And is it fair to say there was no	1	tell the guys, "Let's cross back and wait for them.			
2	disagreement about that plan, you just allowed her	2	We'll wait in the station."			
3	to do it?	3	I didn't get that far. As soon as I			
4	A Yeah.	4	stopped, patrol car stopped by my side, and I just			
5	Q Were you still on the cell phone when	5	had my head leaning forward and said, "Is there a			
6	the police officers pulled up?	6	problem, Officer?"			
7	A Yes.	7	Q Okay. So you had actually finished			
8	Q Who was the first one to speak between	8	your conversation and then talked to the members of			
9	you and the police at that point?	9	your group about what the plan was, which is, "My			
10	A I crossed the street. As I started	10	wife's making a U-turn. She's going to wait on the			
11	walking a couple steps, I heard a car peel out; and	11	opposite side of the street" before you had any			
12	the police officers pulled out of the Shell	12	conversation with the cops. Is that right?			
13	Station, made a quick turn and started walking by	13	A No.			
14	my side down Easton Avenue.	14	Q That's not right?			
15	Q Okay. When you say you heard a car	15	A No. I hung up the phone; and I was			
į.		1	<u> </u>			
16 17	peel out, you said you heard a car peel out, is it fair to say you don't know which car made the	16	going to turn around and say, "Hey, guys, we have			
	· ·	17	to cross again." O But you didn't get that apportunity?			
	squealing noise of the tires? A That would be possible, yes.	18	Q But you didn't get that opportunity?			
18	PS 1 DAL WOULD DE DOSSIDLE VES	19	A Exactly, because as soon as I stopped,			
19			they stopped. I basically when my wife said			
19 20	Q But anyway, you heard the screeching	20	· • • • • • • • • • • • • • • • • • • •			
19 20 21	Q But anyway, you heard the screeching of tires; and the next thing you know is a patrol	21	that, I stopped walking. As I stopped walking,			
19 20 21 22	Q But anyway, you heard the screeching of tires; and the next thing you know is a patrol car is	21 22	that, I stopped walking. As I stopped walking, they stopped right by my side, and I said, "Okay.			
19 20 21 22 23	Q But anyway, you heard the screeching of tires; and the next thing you know is a patrol car is A Turn around, the police I seen coming;	21 22 23	that, I stopped walking. As I stopped walking, they stopped right by my side, and I said, "Okay. We'll," you know, "I'll meet you over there." I			
19 20 21 22 23 24	Q But anyway, you heard the screeching of tires; and the next thing you know is a patrol car is A Turn around, the police I seen coming; and as I'm walking, they came up by my side.	21 22 23 24	that, I stopped walking. As I stopped walking, they stopped right by my side, and I said, "Okay. We'll," you know, "I'll meet you over there." I believe she said, "Wait in the Shell for me. I'll			
19 20 21 22 23 24 25	Q But anyway, you heard the screeching of tires; and the next thing you know is a patrol car is A Turn around, the police I seen coming;	21 22 23 24 25	that, I stopped walking. As I stopped walking, they stopped right by my side, and I said, "Okay. We'll," you know, "I'll meet you over there." I believe she said, "Wait in the Shell for me. I'll meet you back at the Shell."			

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١,	23.	Ι.	was he said, "Is there a problem"
$\frac{1}{2}$	At that point, I stopped. Once she said she	1 2	BY MR. CONNELL:
2	was going to make a U-turn, I stopped walking.	1 -	Q The first thing said by a cop was, "Do
3	They stopped. They stopped finished hanging up	3	yourself a favor. Get the fuck out of here,"
4	with her, hung up, with my hand put the phone by my	5	correct?
5	side; and they had the window rolled down and I	_	A Yes.
$\frac{6}{7}$	said, "Is there a problem, Officer?"	6	O And that was in response to you asking
7	Q When you say you put the phone on your	7	the officer, "Is there a problem, Officer?"
8	side, you have a buckle like you have here today	8	A Yes.
9	that you keep your cell phone in? A Yes.	9	Q And the passenger's side of the
10			vehicle was facing you at that point?
11	Q And that's the same kind of thing you	11	A Yes.
12	had on the date in question? A The other one was plastic, and it	12	Q And do you know what officer it is
13	1 ,	13	that said, "Do yourself a favor and get the fuck
14	snapped on.	14	out of here?"
15	Q Same kind of a deal though?	15	A It was Yurkovic.
16	A Correct, sir, same position.	16	
17	Q So therefore you had you didn't	17	<u> </u>
18	mention anything about the plan was to the guys	18	officer that was closest to you? A Yes.
19	that was your plan to talk about them about what	19	
20	you were going to do now to meet up with your wife.	20	Q And then you said, "I'm just waiting
21	That's when the cop said something?	21	for a ride. It's a free country," and what else?
22	A Correct.	22	A And "I don't want any problems."
23	Q Who was the first one to talk, you?	23	Q And the officer responded to your
24	A Yes, sir.	24	statement by stating, "If you want a problem, we'll
25	Q And you said, "Is there a problem,	25	give you a problem"?
	198	١.	200
1	Officer?"	1	A "We're going to cause a problem,"
2	A Correct.	2	something like that, yes.
3	Q And what was the response?	3	Q "If you want a problem, we're going to
4	A They said, "Do yourself a favor. Do	4	cause a problem" is what he said? A Yes, "We're going cause a problem" or
5	yourself a favor," you know, "Get the fuck out of	5	A Yes, "We're going cause a problem" or "We're going to make a problem," something to that
6	here," and then at the same time my response was,	6	· · · · · · · · · · · · · · · ·
7	"I'm just waiting for a ride. It's a free country.	7	effect.
8	I'm just waiting for a ride. I don't want any	8	Q "If you want a problem, we'll make a
9	problems." Their response was, "If you want a	9	problem," something of that nature? A Something, "make" or "cause," yes.
10	problem, we're going to cause a problem," and I	10	
11	said, "Listen. I'm just waiting for a ride."	11	Q And what happened next?
12	MR. STONE: Could I just interject one	12	A Again, I said, "I'm"
13	thing?	13	Q By the way, was that Police Officer
14	You keep saying "they." If they spoke	14	Yurkovic again or was that Oels?
15	unison, in stereo, that's okay.	15	A They both were talking. I want to say
16	MR. CONNELL: I'm going to get to	16	that was Yurkovic then also because they're
17	that, Mike.	17	Q At this point you haven't said that
18	MR. STONE: Okay. Never mind. He'll take care of it.	18	Oels has said anything yet. A They're looking at each other and
19	BY MR. CONNELL:	19	_
20		20	they're pretty much agreeing on, you know, what's
21	Q The first thing that was said, "Do yourself a favor. Get the fuck out of the here,"	21	happening, so they're saying, you know, "If you want a problem" pretty much they looked at each
22	that was said by a cop?	22	other, and that's their response to me.
23	A Yes.	23 24	I don't remember if it was Oels or Yurkovic
25	MR. SPAGNOLA: He said the first thing		who said that physical word to me, so I strike
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it was going, or was it over the double yellow line on that roadway? Do you remember when it came to a stop? A No. It would have been just on the side — not on the legal — legally facing — it wasn't on the yellow. It was in the regular position. We're going to refer to P-I now. You can also see the double yellow line dividing the two directions of travel. A Correct. A Correct. A Correct. A No. I would have been just on the see his was the first one to speak to you? A Correct. A Correct. A No. It would have been just on the see his was on the side walk? A No. I would have been on the diagram. You can also see the double yellow line dividing the two directions of travel. A Correct. A No. I would have been and the speak of you. It was to say it was Yurkovic and I'm talking about now the patrol car, whether it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not it was going, or do you know whether or not you were now between the two officers? A No. I would have gone around the patrol car? A No. I want to say it was Yurkovic also would have gone around the patrol car and gotten into your position? A Yes. D Do you remember? A I believe so, yes. A Yes. O What did Oels say to you? A One of the them asked me for my licensea. Oels was the one who approached you. Did he speak to you? A No. I want to say it was Yurkovic whould him the license. Q Ox you don't know which one it was? A No. I want to say it was Yurkovic whould have gone around the patrol car? A No. I want to say it was Yurkovic would have gone around the patrol car? A Yes. O Do you remember? A Yes. O Do you remember? A Yes. O Do you remember at that point, when you began to have this interchange with the lane? O O Thour right as you'r facing the car. O O There was anylow asked fo	ւ Ca ։	se 2:06-c v	04701 Deposition of BASSEM KAND Document 99-13	L ta	aken on September 24, 2008 Page 205 to 208 of 286 iled 01/07/10 Page 4 of 49 Page 10: 149/47
on that roadway? Do you remember when it came to a stop? A No. It would have been just on the side — not on the legal — legally facing — it was it on the yellow. It was in the regular position. B Q We're going to refer to P-I now. You can also see the "X" that you drew on that diagram. You can also see the double yellow line dividing the two directions of travel. A Correct. A Correct. A No. I was in the direction of that it was going, or do you know whether or not it was still in the lane in the direction that it was going, or do you know whether or not it was still was like the left wheels were over the double line? A No. Q Do you remember? A It would have been in the lane. Q Do you remember at that point, when you began to have this interchange with the same anybody in your group still in the street other than you? A I believe everybody at that point was behind me. Romain might have been next to me still. Q So if there was anybody else in the street other than you? A Yesh. Q When the officers got out of the patrol car, did you remain in that same position? A Yesh. A Yes. Q And Oels was the first one to speak to you? A Yurkovic walked around and then — A No. Ivant to say it was Yurkovic though because I handed him the license. B A No. I want to say it was Yurkovic would have gone around the patrol car? A Yes. A Yes. A Yes. A Yes. A Yes. A Both of then facing me. You do	١.		203	١.	207
3 stop? 4 A No. It would have been just on the side—not on the legal—legally facing—it wasn't on the yellow. It was in the regular position. 8 Q We're going to refer to P-I now. You can also see the double yellow line dividing the two directions of travel. 10 A Correct. 11 Q And looking at that photo P-I, could you tell whether or not when the car had stopped, the was titlly within the lane in the direction that it was going, or do you know whether or not it was like the left wheels were over the double line? 11 A It would have been in the lane. 12 Q Do you remember? 13 A Yes. 14 Q Do you remember? 15 A It would have been in the lane. 16 It was still in the lane? 17 A Yes. 18 Q Do you remember with the street other than you? 19 G Do you remember at that point, when you began to have this interchange with the street other than you? 10 G D So if there was anybody at that point was behind me. Romain might have been nown as behind me. Romain might have been nown that same position? 10 Q So if there was anybody else in the street other than you, it would have been Romain? 11 A Yes. 12 Q O And do you remember that it was you're facing the patrol car? 12 A Yes. 13 Q On you remember at that point, when you? 14 Before the cops got out of the car, was anybody in your group still in the street other than you? 15 A Yes. 16 It was still in the lane? 17 A Before the cops got out of the car, was behind me. Romain might have been nown was behind me. Romain might have been Romain? 18 See to the than you, it would have been Romain? 19 A Yes. 20 Q Do you remember that that point was behind me. Romain might have been Romain? 21 A Yes. 22 Q Therefore Yurkovic would have had to come around the front of that patrol car to get to that position? 23 A Yes. 24 Q Do you go the well of the car, was anybody in your group still in the street other than you, it would have been Romain? 25 Your don't know which one it was? 26 Okay. So therefore as Oels approached you, Yurkovic also would have gone around the hough		_	- -	1 -	
A No. It would have been just on the still and the legal — legally facing — it wasn't on the legal — legally facing — it wasn't on the legal — legally facing — it wasn't on the yellow. It was in the regular position. 8 Q We're going to refer to P-I now. You can also see the "X" that you drew on that diagram. You can also see the double yellow line dividing the two directions of travel. 12 A Correct. 13 Q And looking at that photo P-I, could you tell whether or not when the car had stopped, and I'm talking about now the patrol car, whether it was totally within the lane in the direction 17 that it was going, or do you know whether or not it was going, or do you know whether or not it was like the left wheels were over the double line? 19 A No. 20 Q Do you remember? 21 A It would have been in the lane. 22 Q It was still in the lane? 23 A Yes. 24 Q Do you remember at that point, when you began to have this interchange with the 26 officers and it had stopped in that position, whether anyone else was in the street other than you? A I believe everybody at that point was behind me. Romain might have been next to me still. 10 Q So if there was anybody else in the street other than you, it would have been next to me still. 27 A Yes. 28 Q Do you remember at that point, when you? 29 Everybody else was on the sidewalk? 39 to you? A No. I want to say it was Yurkovic though because I handed him the license. 10 Q Do you remember? 11 License. 12 Q You don't know which one it was? 13 A No. I want to say it was Yurkovic though because I handed him the license. 14 A Yes. 15 Q And do you know whether or not it was? 16 Ilicense. 17 A It would have been in the lane. 18 A Yes. 19 Q And do you know whether or not you were now between the two officers? 19 A Yes. 20 Q Do you remember at that point, when you? 21 A I would have been on my right. 22 Q Do you remember at that point was behind me. Romain might have been next to me still. 23 Q On you right as you're facing the patrol car. 24 Q Do you remember at that point was behind			dway? Do you remember when it came to a	l	· · · · · · · · · · · · · · · · · · ·
side — not on the legal — legally facing — it wasn't on the yellow. It was in the regular position. Q We're going to refer to P-l now. You an see the "X" that you drew on that diagram. You can also see the double yellow line dividing the two directions of travel. A Correct. A No. I want to say it was Yurkovic that it was going, or do you know whether or not it was like the left wheels were over the double line? A No. D Do you remember? A Yes. D Do you remember? A Yes. D Do you remember at that point, when you began to have this interchange with the DOG Tofficers and it had stopped in that position, whether anyone else was in the street other than you? A I believe everybody at that point was behind me. Romain might have been next to me still. Q So if there was anybody else in the street other than you, it would have been next to me still. Q So if there was anybody else in the street other than you, it would have been next to me still. Q Severybody else was on the sidewalk? A Yes. Q Whet the officers got out of the patrol car, did you remain in that same position? A No. I want to say it was Yurkovic though because I handed him the license. A No. I want to say it was Yurkovic would have been on my right. A No. I want to say it was Yurkovic whether or not you were now between the two officers? A Pes. O Do you remember? A I believe so, yes. I was in front of him, and Yurkovic would have been on my right. Q On your right as you're facing the patrol car? A Both of them facing me, yes. So their backs are to the car and I'm facing the car. Q Therefore Yurkovic would have been on the interction of the car, was behind me. Q So if there was anybody else in the street other than you, it would have been Romain? A Yes. Q Do you remember at that point, was behind me. Q On your right as yo		~	NIs. It would have been just on the	1	- · · · · · · · · · · · · · · · · · · ·
wasn't on the yellow. It was in the regular position. Q We're going to refer to P-I now. You can also see the "X" that you drew on that diagram. You loan also see the double yellow line dividing the two directions of travel. A Correct. A Correct. A Correct. A No. I want to say it was Yurkovic have which one it was? A No. I want to say it was Yurkovic hough because I handed him telicense. Q You don't know which one it was? A No. I want to say it was Yurkovic though because I handed him telicense. Q Okay. So therefore as Oels approached you, Yurkovic also would have gone around the patrol car, was the wind was the one who approached you. Did he speak to you? A No. I want to say it was Yurkovic though because I handed him telicense. Q Okay. So therefore as Oels approached you, Yurkovic also would have gone around the patrol car and gotten into your position? A Yes. Q Do you remember? A I twould have been in the lane. 20 Q It was still in the lane? A Yes. Q Do you remember at that point, when you began to have this interchange with the 201 1 officers and it had stopped in that position, whether anyone else was in the street other than you? A Teblieve everybody at that point was behind me. Romain might have been next to me still. D Q So if there was anybody else in the street other than you? A Yesh. Q Everybody else was on the sidewalk? A Yesh. Q When the officers got out of the patrol car, did you remain in that same position? A Yath that you death whether or not went that youn between the two officers. A Yound on't know which one it was? A No. I want to say it was Yurkovic though because I handed him telcense. Q Okay. So therefore as Oels approached to you, Yurkovic also would have gone around the pout of you, Yurkovic also would have gone around the pout of you, Yurkovic would have gone around the pout of you, Yurkovic would have been on my right. A Yes. Q And do you know whether or not you were now between the two officers? A Both of them facing the car. Q And do you remember tha			-		
position. Q We're going to refer to P-I now. You are see the "X" that you drew on that diagram. You can also see the double yellow line dividing the two directions of travel. A Correct. Q And looking at that photo P-I, could you tell whether or not when the car had stopped, and I'm talking about now the patrol car, whether it was totally within the lane in the direction that it was going, or do you know whether or not it was like the left wheels were over the double line? A No. Q Do you remember? A I would have been in the lane. Q Di you you remember at that point, when you began to have this interchange with the you? A I believe everybody at that point was behind me. Romain might have been next to me still. Q So if there was anybody else in the street other than you? A Yes. Q Do you remember that it was going on you know whether or not it was like the left wheels were over the double line? A Yes. Q Do you remember? A I believe so, yes. I was in front of him, and Yurkovic would have whether or not you were now between the two officers? A Both of them facing me, yes. So their 208 backs are to the car and I'm facing the car. Q Therefore Yurkovic would have had to what had stopped in the street other than you? A Come of the them asked me for my license. Q Okay. So therefore as Ols approached you, Yurkovic also would have ween on tyou were now between the two officers? A I believe so, yes. I was infront of him, and Yurkovic would have been on my right. Q On your right as you're facing the car. A Both of them facing me, yes. So their work of the car, was anybody else in the street other than you, it would have been next to me still. A Yes. Q Do you remember at that point, when you? A Both of them facing the car. Q Therefore Yurkovic would have had to what we had to what we had to will the front of that front of that patrol car in get to that position? A Correct. Q And do you remember that it was Yurkovic who asked for your ID? A Correct. Q And when you gave him your license, id diy ou r	l .			1	
8 Oels was the one who approached you. Did he speak to you? 9 can see the "X" that you drew on that diagram. You can also see the double yellow line dividing the two directions of travel. 12 A Correct. 13 Q And looking at that photo P-I, could you tell whether or not when the car had stopped, and I'm talking about now the patrol car, whether it was totally within the lane in the direction that it was going, or do you know whether or not it was like the left wheels were over the double line? A No. 14 No. 15 A No. 16 A No. 17 A No. I want to say it was Yurkovic though because I handed him the license. 18 Q You don't know which one it was? A No. I want to say it was Yurkovic though because I handed him the license. 29 Q Okay. So therefore as Oels approached you, Yurkovic also would have gome around the patrol car and gotten into your position? 20 Q Do you remember? 21 A It would have been in the lane. 22 Q It was still in the lane? 23 A Yes. 24 Q Do you remember at that point, when you began to have this interchange with the 25 you? 26 A No. I want to say it was Yurkovic though because I handed him the license. 29 Q And do you know whether or not you were now between the two officers? 20 A I believe so, yes. I was in front of him, and Yurkovic would have been on my right. 21 Q On your right as you're facing the patrol car? 22 A Both of them facing me, yes. So their was anybody in your group still in the street other than you? 3 A Yes. 3 A Post officers and it had stopped in that position, whether anyone else was in the street other than you? 4 Before the cops got out of the car, was anybody in your group still in the street other than you? 5 A Post officers and it had stopped in that position, whether anyone else was in the street other than you? 4 Before the cops got out of the car, was behind me. Romain might have been next to me still. 5 C A Ond do you remember that it was Yurkovic would have head to come around the front of that patrol car to get to that position? 5 A Correct. 6 Q And do you remember that it w			ne yenow. It was in the regular	7	
9 can see the "X" that you drew on that diagram. You 10 can also see the double yellow line dividing the 11 two directions of travel. 12 A Correct. 13 Q And looking at that photo P-I, could 14 you tell whether or not when the car had stopped, 16 it was totally within the lane in the direction 17 that it was going, or do you know whether or not it 18 was like the left wheels were over the double line? 19 A No. 20 Q Do you remember? 21 A It would have been in the lane? 22 Q It was still in the lane? 23 A Yes. 24 Q Do you remember at that point, when 25 you began to have this interchange with the 26 officers and it had stopped in that position, 27 whether anyone else was in the street other than 28 behind me. Romain might have been next to me 29 still. 20 Q So if there was anybody else in the 21 street other than you, it would have been Romain? 21 A Yes. 22 Q So if there was anybody else was on the sidewalk? 23 A Yes. 24 Before the cops got out of the car, was 25 anybody in your group still in the street other 26 than you? 27 A I believe everybody at that point was 28 behind me. Romain might have been next to me 29 still. 20 Q So if there was anybody else in the 20 C And do you remember that it was 21 A I believe on the visual function and in the street other 22 Q Therefore Yurkovic would have had to 23 anybody in your group still in the street other 24 behind me. Romain might have been next to me 25 still. 26 Q So if there was anybody else in the 27 So if there was anybody else in the 28 So if there was anybody else was on the sidewalk? 29 A Both of them facing the car. 20 Q Therefore Yurkovic would have had to 21 correct. 21 A I believe on yes. I was in front of 22 D on your right as you're facing the 23 D on your right as you're facing the 24 patrol car? 25 A Both of them facing the car. 26 Q And do you remember that it was 27 Vurkovic who asked for your ID? 28 A I don't remember if it was him, but he 29 is to you don't know whichone it was? 29 O No. 20 O your right as you're facing the 20 On your right as you'	l		Walter pains to refer to D 1 nevy Voy	,	
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I TO I I There are not the total three total total three total total transfer to the total transfer transfer to the total transfer transfer to the total transfer transfer transfer to the total transfer tra	1	_	-	ı	
	18	Q	Same spot.	18	Q That's what I mean, at this point.
19 A Yes.	1			ŀ	•
20 Q And did both officers approach you or 20 Q Do you remember — and you gave it to	1	-	== -	l	· · · · · · · · · · · · · · · · · · ·
21 did only one? 21 Yurkovic, and it looked like Yurkovic was looking	1	-		i i	·
22 A Well, I was pretty much in front of 22 at it?	1		· · · · · · · · · · · · · · · · · · ·	ŀ	
23 Oels, so he came out. I was in front of him. 23 A Yes.	1	· _			
Q Did they close the patrol car door, 24 Q And was there any remark passed while	1	~			`
25 Oels, that would have been closest to you? 25 he was looking at it? SUPERIOR COURT REPORTERS, INC. 201-941-1550 52 of 97 sheets					······································

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١,	A	209	١.		MR KORDI. Im just shipstion
	A	He said something to me.		_	MR. KOBIN: I'm just objection.
2	Q	What did he say?	2	•	I'm asking do you know what that
3	A	He said, "This is not fucking	3	means?	NO MODEL Objection to the forms of
4	_	a. I'll call 20 cops to plummet your face	4		MR. KOBIN: Objection to the form of
5	into the gro		5	the question	
6	Q	Now, you would agree with me that you	6		Yeah. They have a police report
7		g to insight the officer to use that	7		Let me withdraw the question.
8		guage against you. Is that fair?	8	_	you understand when it said, "We write
9	A	Yes, sir.	9	-	what was meant by that?
10	Q	And there was nothing about the	10		Yes. They write the police report.
11		that you gave him that would have set him	11		I interpreted it.
12		an what you're saying is "This is not	12	-	Okay. All right. And then what
13	_	n." Is that right?	13	happens?	
14	Α	That's why I was talking earlier,	14		Yurkovic reached over his shoulder.
15	possibly m	y name. That's why I got that	15	-	shoulder he had a little walkie-talkie.
16	perception		16		aging in it, in his walkie-talkie.
17	Q	That's when this bias thing was in	17		Did you hear what he said?
18	your head?		18		No. He was saying just codes and
19	Α	Yes, sir.	19		t know what he said specifically.
20	Q	And when he said this to you, did he	20	Q	They were numbered codes without using
21	say it loud	enough for anybody else in the group to	21	any English	
22	hear?		22	Α	I believe, correct.
23	Α	Yes.	23	Q	Other than the codes, he's giving
24	Q	And have you since learned that other	24	numbers	į
25	people hea	rd that remark?	25	Α	Numbers, yeah, 45 I don't know, but
		210			212
1	Α	To that effect, yes.	1	numbers, nu	mbers and codes.
2	Q	And did he say it loud enough for Oels	2	Q	What next happened?
3	to hear him	?	3	Α	At that point, we sat there.
4	Α	He was standing next to Oels, so yes.	4	Q	You basically stood there?
5	Q	And we don't know whether or not Oels	5		Stood there, I apologize.
6	actually he	ard it, but it appeared to you to be	6	A mir	nute or two, a police car pulled up from
7	loud enoug	h for Oels to hear it. Is that fair?	7	behind Yurk	covic's car and Oels, and a police car
8	Α	Yes.	8	pulled up fro	om in front of in front of their
9	Q	And what next was said or done?	9	car.	
10	À	He said my response to him was,	10	Q	Facing their patrol car?
11	"For what,	waiting for a ride?"	11		Facing, so one from behind and one
12	Q	And that was a remark that you made in	12	facing the ca	ar.
13	the direction	n of Yurkovic?	13	_	The first one was behind, the second
14	Α	Yes.	14	one within n	noments was in front?
15	Q	And was there a response?	15	Α	Yes, or either way. I don't know,
16	À	In sync they both said Yurkovic and	16		t remember which one was first, but
17	Oels said, '	We write the report."	17		illed up, one from behind, one from in
18	,	MS. O'CONNOR: "We write the report"?	18	front.	
19		MR. CONNELL: "We write the report."	19		Do you know how many officers were in
20		THE WITNESS: Yes, "We write the	20	the car that	-
21	report."	.,	21		It was two, one or two behind, and two
22	BY MR. C	ONNELL:	22		because I paid more attention to the
23	Q	Does that make any sense to you in the	23	front.	
1	-	guage, "We write the report?" Do you	24		You're not sure whether or not there
24	THARBUL IQU				
24 25	_	that means?	25	was one in the	

A Yes, one or two. I don't recall. Q Can you identify any of those police officers by race or size or anything like that that was in the car that was behind the Yurkovic patrol car? A Yes, it was a black officer. Q And can you tell us the size of that black officer? A Maybe he was five-six, five-eight. Q Approximately how much did he weigh, medium build, heavy build, something— A Yes, and the side but still in a distance where you could overhear what he was son? A Yurkovic is on the opposite side now across. Q Ha this officer said to him, "I don't know why wer's here." A Yes, something to that effect, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know why wer's here." I believe it was, "I don't know whith the Most was here." Yes, Sur Lacah that Most."— A Yes, Sur Lacah that point — hery came. There was no real reason for	Cas	se 2:06-cv	-04701-DMPensition of BASSEM KAND	II_t	ken on Sentember 24, 2008 Page 213 to 216 of 286
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4 A I'm standing by the front of the car. 5 Car? 6 A Yes, it was a black officer. 7 Q And can you tell us the size of that 5 black officer? 9 A Maybe he was five-six, five-eight. 10 Q Approximately how much did he weigh, 11 medium build, heavy build, something — 12 A Mcdium build, heavy build, something — 13 Q Did it appear that he had any rank, 14 any stripes on his sleeves or anything like that? 14 A Yes, something to that effect, "I A Yes, sim. 10 Q And thus a marked unit? 11 A Yes, something to that effect, "I A Yes, sim. 12 Q And can you describe them? 23 A Correct. 24 I temember the passe	1	~			
5 car? 6 A Yes, it was a black officer. 7 Q And can you tell us the size of that 8 black officer? 9 A Maybe he was five-six, five-eight. 10 Q Approximately how much did he weigh, 11 medium build, heavy build, something — 12 A Medium build, heavy build, something — 13 Q Did it appear that he had any rank, 14 any stripes on his sleeves or anything like that? 15 A I did not notice. 16 Q In uniform? 16 Q And it was a marked unit? 17 A Yes, 18 Q And it was a marked unit? 19 A Yes, marked car. 19 Q And now the car that had pulled up 10 face-on with the Yurkovic car, there were two 20 officers in that? 21 A Correct. 22 Q And can you describe them? 23 A Correct. 24 Q And can you describe them? 25 A I don't remember the drivers. I 26 remember the passenger because he came out and I assume he was a high, you know, higher than the 30 other guys. 4 Q Meaning taller? 5 A Well, he was taller, but I mean 6 rank-wise. 7 Q He was tall rank-wise? 8 A He was white. 9 Q Do you know whether or not he was 11 white or black? 12 A He was white. 13 Q Do you know whether or not he was 14 white or black? 15 A Well, he was talking to Yurkovic. 16 They were talking back and forth, and then I don't know why were here." I believe it was, "I don't know why you have us here." 15 Q "But teach that MF" — 16 A Yes, sir. 17 Q —*a lesson"— 18 A Yes. 19 Q "But teach that MF" — 18 A Yes. 19 Q -*and give him a \$200 fine?" 20 And now the car that had pulled up 21 face-on with the Yurkovic car, there were two 22 officers in that? 23 A Correct. 24 Q And can you describe them? 25 A Hon't wrenember spocific size. 26 Q Meaning taller? 27 A Well, he was taller, but I mean 28 tall officer at the scene at this time, much 29 bigger than you and me? 20 Do you know whether or not he was 20 higher rank? 21 There's no reason for us to be here, but teach 22 that mother fucker a lesson and give him a \$200 23 fine." 24 A He was white. 25 A Well, he was talking to Yurkovic. 26 C Well, the only black officer that you described the guy. Again, 1 don't remember specific s	1 .	-	• =		
6 A Yes, it was a black officer. 7 Q And can you tell us the size of that 8 black officer? 9 A Maybe he was five-six, five-eight. 10 Q Approximately how much did he weigh, 11 medium build, heavy build, something — 12 A Medium build. 13 Q Did it appear that he had any rank, 14 any stripes on his sleeves or anything like that? 15 A I did not notice. 16 Q In uniform? 16 Q Yes, something to that effect, "I don't know why were here." I believe it was, "I don't know why you have us here." 19 A Yes, or "I don't know why were here." I believe it was, "I don't know why you have us here." 19 A Yes, sir. 10 Q And it was a marked unit? 11 A Yes, and the was a marked unit? 12 A Yes, sir. 13 Q And an ow the car that had pulled up officers in that? 14 remember the passenger because he came out and I assume he was a high, you know, higher than the other guys. 15 A Well, he was taller, but I mean rank-wise? 16 Q Meaning taller? 17 A He was white. 18 Q What makes you think that he was a higher rank? 19 A Well, he was talling how was the was a higher rank? 10 Q Do you know whether or not he was white or black? 11 A Well, he was talking to Yurkovic. 12 A Well, he was talking to Yurkovic. 13 A Well, he was talking to Yurkovic. 14 They were talking back and forth, and then I don't know why you have us here." 15 A Well, he was talking to Yurkovic. 16 C I have shall rank-wise? 17 A Yes. 18 A Yes. 19 A Yes, something to that effect, "I don't know why you have us here." 19 Q - "a lesson" - 20 Q And and now the car that had pulled up the face on the government to your had the tall officer, and he care out and I assume he was a high, you know, higher than the other? 20 A He was tall rank-wise? 21 A He was tall rank-wise? 22 A Well, he was taller, but I mean rank? 23 A Well, he was taller, but I mean rank? 24 Q Meaning taller? 25 A Well, he was taller, but I mean rank? 26 A He was a tall officer, and he came out and he walked up with Yurkovic. 27 A He was walking back and forth, and then I don't remember specific size. 28 Q Well, the only	1		car mat was beining the Turkovic patror	1	
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21 face-on with the Yurkovic car, there were two 22 officers in that? 23 A Correct. 24 Q And can you describe them? 25 A I don't remember the drivers. I 26 I remember the passenger because he came out and I 2 assume he was a high, you know, higher than the 3 other guys. 26 A Well, he was taller, but I mean 6 rank-wise. 27 Q He was tall rank-wise? 28 A He was a tall officer, and he came out and he walked up with Yurkovic. 29 Q Do you know whether or not he was 1 white or black? 20 A He was talking to Yurkovic. 31 Q What makes you think that he was a 1 higher rank? 32 A Correct. 33 Q Did you see any very large black police officer at the scene at this time, much 5 bigger than you and me? 4 A There was no real reason for them to come, and at that point they both cars started to leave. 4 So as he was walking back wards. I heard him yell 216 4 to Yurkovic, yell that comment to Yurkovic as he was walking back to his car. 5 Q Did you see any very large black police officer at the scene at this time, much 5 bigger than you and me? 6 A There was that officer there; but 7 again I don't know - I described the guy. Again, 1 don't remember specific size. 9 Q Well, the only black officer that you described is a guy five-six to five-eight with a 1 medium build. I'm talking about a guy six-two to 12 six-four that weighs nearly 300 pounds. Did you 13 see anybody like that? 16 A Well, he was talking to Yurkovic. 17 Know what happened. All of a sudden I heard him 18 say, "You brought us here for this?" and then he 18 starts walking backwards, stepping backwards, the 19 that world about what's going on with 14 that. 18 Q You're certain that the officer that 21 right, who was taller than Yurkovic, but and it 23 appeared that he had some form of seniority, 24 although you didn't see stripes? 20 Well that comment to Yurkovic, 10 to Yurkovic, yell that comment to Yurkovic and the sar. At that point that they both cars. At that point that that point that they both car. At that point that that they both cars. At that poin			•	1	
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Q Did he have a white shirt or a blue shirt? A He was in uniform. I don't know what be had. Q Well, white shirts generally designate a apperior officer of the rank of lieutenant or higher and, you know, the dark uniforms are generally a sergeant. A I did not see. Q You didn't take any note of that? A Correct. Q And, by the way, that car that pulled up front-on with the Yurkovic patrol car was also a marked unit? A Yes, sir. Q Doi d those marked units at the scene at that point? A Yes, sir. Q Did those marked units then both leave? A Yes, the two cars left. Q Leaving Yurkovic and Oels with you? A Yes, the two cars left. Q Defore these backup officers came to the scene, you didn't use any type of bad language, didn't threaten the officers, didn't boast about your being able to intimidate the officers. Nothing like that occurred, right? A Yes, sir. Q And you've read the police reports about what the officers wersion of this event is. Isn't that right? A Yes, sir. Q And you've read the police reports about what the officers version of this event is. Isn't that right? A Yes, sir. Q And you've read the police reports about what the officers wersion of this event is. Isn't that right? A Yes, sir. Q And you've read the police reports about what the officers version of this event is. Isn't that right? A Yes, sir. Q And you've read the police reports about what the officers wersion of this event is. Isn't that right? A Yes, sir. Q And you've read the police reports about what the officers were two in each car, in divident the conversations began between the two of your being able to intimidate the officers were two in each car, in divident the officer were two in each car, in divident the conversations began between the two of your being about what there were two in each car, in divident the conversations began between the two of your being about what there were two in each car, in divident the officers were two in each car, in divident the officers were two in each car, in divident the officers were two in each car, in	1	that	217		217
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15 marked unit? 16 A Yes. 17 Q So you had three marked units at the scene at that point? 18 scene at that point? 19 A Yes, sir. 20 Q Did those marked units then both 20 leave? 21 Leaving Yurkovic and Oels with you? 22 A Yes, the two cars left. 23 Q Leaving Yurkovic and Oels with you? 24 A Yes. 25 Q And the group? 26 And the group? 27 A And the group. 28 A And the group. 29 And the group yes. 20 Q Before these backup officers came to the scene, you didn't use any type of bad language, didn't threaten the officers, didn't boast about your being able to intimidate the officers. 29 Nothing like that occurred, right? 20 And you've read the police reports about what the officers' version of this event is. 29 about what the officers' version of this event is. 20 And you've read the police reports about what the officers' version of this event is. 29 lie? 20 And is it your position that from the 13 point that the conversations began between the two of you that everything that the officers say is a lie? 21 A Yes, sir. 22 Q And is it your position that from the 23 point that the conversations began between the two of you that everything that the officers in each car that came up. Does that refresh your recollection that there were two in each car? 21 A Um-hum. I had said one or two. 22 Q Iknow; but does that refresh your recollection that there were two in each car, in other words, six cops at the scene act one time? 25 A Yes. 26 Q And did it took like a summons book that he would write in or did it appear to be some sort of a book to look up statutes and things? 26 A I think it was a statute book because 220 the reached in, grabbed it, went back to the hood, 2 put it on the hood and he was flipping through the pages, so it was a statute book. 29 When you say "the hood," are we talking about the hood of Yurkovic's car. 30 Q Ware you watching him as he had the book out and he was flipping through the pages? 31 A Yes, sir. 41 Q You're still between a parked car, in other words, six cops at the scene at one time? 32 Q Iknow	1	~		l	•
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17 Q Your Answers to Interrogatories 18 indicate that there were two police officers in 19 each car that came up. Does that refresh your 20 recollection that there were two in each car? 21 A Um-hum. I had said one or two. 22 Q I know; but does that refresh your 23 recollection that there were two in each car, in 24 other words, six cops at the scene at one time? 25 A Again, I'm not hundred percent sure 26 17 A Yes. 27 Q You're still between a parked car, if 28 point? 29 point? 21 A Yes. 21 A Yes. 22 Q And they didn't at any point tell you 23 to get up onto the sidewalk? 24 A No. 25 Q Up to this point?					
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A Um-hum. I had said one or two. Q I know; but does that refresh your recollection that there were two in each car, in other words, six cops at the scene at one time? A Yes. Q And they didn't at any point tell you to get up onto the sidewalk? A No. A Again, I'm not hundred percent sure Um-hum. I had said one or two. 21 A Yes. 22 Q And they didn't at any point tell you 23 to get up onto the sidewalk? A No. Q Up to this point?			<u>-</u>		_
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Ca	se 2:06-cv-04701-DMC MF Document 29 13	II. t	aken on September 24, 2008 Page 221 to 224 of 286 ed 04/07/10 Page 8 of 49 Page D. 149223
1	A No.	1	Q Did anybody indicate and when I say
2	Q Did they ever instruct you to get on	2	"anybody," did Oels or Yurkovic indicate that
3	the sidewalk?	3	not for you to commingle with them or for you to
4	A Yes.	1	stay separate from them or anything like that?
5	Q When did they do that?	5	A No.
6	A When I saw them writing he had the	6	O Did Oels walk up onto the sidewalk
7	book on his hood, Officer Yurkovic. As he was	7	with you?
8	flipping through, I reached into my pocket. I had	8	A No.
9	my PBA card, and I approached him and I said,	9	Q So he stayed in the same position
10	"Excuse me, Officer. This is a close friend of	10	between next to the patrol car?
11	mine. His name is Jeremiah Hupka. He works for	11	A Correct.
12	the Hunterdon County Sheriff's Department" or	12	Q What's the next thing that happened?
13	Office.	13	A Next thing that happened, I remember
	_		my friend Romain come up to me and said, "Bass,
14	Q And did Yurkovic take the card? A I don't even believe I started	14	don't worry about it. We'll go to court. There's
15		15	no reason for him to give you a ticket," you know,
16	finishing the word "Sheriff's Office." He snatched	16	- ·
17	it out of my hand and grabbed it with his two	17	just talking all among us. He gave me a cigarette, and I started to
18	hands, putting it in front of him trying to cut it	18	<u> </u>
19	in half.	19	smoke a cigarette; and in that interim as he was
20	Q To rip it in half?	20	flipping through the book and so forth, I noticed
21	A To rip it in half with his hands. I	21	more police cars coming.
22	guess he couldn't because it was plastic or hard.	22	Q And would you agree that did you
23	So he then took it and put it in his front	23	hear either one of these officers calling backup at
24	pocket, which I believe was on his left chest; and	24	that point
25	then at that point he says, "This is going to do	25	A No, I did not hear.
	222	١.	
1	you no good. Go stand on the sidewalk." So at	1	Q a second time?
2	that point I turned around and I stood on the	2	A No.
3	sidewalk.	3	Q So you don't know why these other cars
4	Q Do you remember walking between the	4	would be coming to this scene? MR. KOBIN: Objection to the form.
5	parked cars in order to get onto the sidewalk? A I don't recall.	5	MR. CONNELL: Strike the question.
6		6	=
7	Q So at this point you don't recollect	7	Q You didn't hear either one of the
8	whether or not there were any cars parked from the	8	officers call backup. Is that right? A Correct.
9	corner opposite the Shell Station all the way up to	9	= ··
10	the point where you had now gotten onto the	10	Q And therefore and there was nothing
11	sidewalk. Is that right?	11	that you did in terms of your conduct that would
12	MR. KOBIN: Objection to form.	12	have warranted any other officers coming to the
13	A Correct. I don't remember if there	13	scene. Is that right?
14	was cars there.	14	A Exactly.
15	Q Okay. And then you went and stood on	15	Q And there was no altercation. There
16	the sidewalk. Was Romain on the sidewalk by this	16	was no touching you by either of these officers at
17	time?	17	the point that the second backup group of officers
18	A Yes.	18	were on their way?
19	Q And the other members of your group	19	A Exactly.
20	were on the sidewalk?	20	Q And was Romain the only one to talk to
21	A Yes.	21	you when he said, "We'll fight this in court"?
22	Q How close were you to the other guys	22	A Pretty much. Q "There's no reason to give the
23	on the sidewalk in your group? A I was probably a few feet away from	23	•
24		24	summons"?
25	them, maybe four or five feet away from them.	25	A Yes.

_{Ca}	se 2:06-cv-04701-DMC Mill Document 392-13	IL ta	aken on September 24, 2008 Page 225 to 228 of 286 led 01/07/10 Page 9 of 49 Page 1D: 149927
1	Q Is it fair to say that neither one of	1	Q Did you hear any sirens coming at any
2	these officers, and by that I mean Oels or	2	time this night?
3	Yurkovic, put their hands on you before the other	3	A I don't recall about sirens.
4	officers actually got to the scene?	4	Q And while they were blocking the road,
5	A Correct.	5	were the lights on?
6	Q And you were standing on the sidewalk	6	A Yes.
7	with your friends when these other officers	7	Q And we're talking about the flashing
8	arrived?	8	lights up on top of the car and all that stuff?
9	A Yes, sir.	9	A Yes, sir.
10	Q Do you know how many cars arrived?	10	Q Did that surprise you that you would
11	A As I was standing there smoking, I	11	have all of this police attention when you're about
12	don't know how many exact cars.	12	ready to have a simple summons being issued to you?
13	Okay. I saw there was police officers	13	A Yes, sir.
14	moving. I guess there was still people walking	14	Q Did you hear the strike that for a
15	around, so they were moving people away from I	15	moment.
16	guess the scene.	16	The cars that came up and blocked Easton
17	Q Let's not talk about numbers of	17	Avenue, did they approach Yurkovic and Oels, or did
18	officers yet. Do you have any idea how many cars	18	they remain in a position where they were going to
19	came in addition to Yurkovic's car?	19	control the crowd from either end?
20	A They blocked Easton Avenue, so at that	20	A Some of the officers were controlling
21	point I would assume four, five cars. With that	21	the crowd from the other end, and then a few of
22	section they blocked off both sides of the street.	22	them gathered behind Yurkovic, so I don't know who
23	Q So basically in between where you were	23	came from where, but that's how it was.
24	on Easton Avenue, they blocked access for anybody	24	O Can you describe any of the officers
25	getting in from either direction on Easton Avenue.	25	that would have came and approached Yurkovic and
	226		228
1	Is that right?	1	Oels in close proximity to where you were at this
2	A Yes, sir.	2	point?
3	Q When you say "block Easton Avenue,"	3	A Physical names?
4	did they need more than one car to basically block	4	Q If you can give us names, that would
5	Easton Avenue, both lanes, or was it one car	5	be fine; but if you can't give us names, their
6	blocking the middle of the street?	6	descriptions in terms of, you know, height, weight,
7	A I don't remember.	7	color.
8	Q Did you see any of the cars pull up	8	And I'm not talking about the guy standing
9	other than blocking Easton Avenue, did you see any	9	on the perimeter staying with their cars making
10	of the other cars pull right up to where the	10	sure nobody drives into the area or walks into the
11	Yurkovic car was?	11	area. You said there was at least one guy with
12	A I believe one car pulled up, one car	12	each of the cars. Is that fair?
13	pulled up, like I said	13	A Yes, sir.
14	Q Near where the Yurkovic car was?	14	Q At least. There may have been more.
15	A Yeah.	15	And then there were other cars that actually
16	Q Was it facing the Yurkovic car or was	16	approached your group with Yurkovic, Oels and you
17	it facing was it at the rear?	17	guys?
18	A I believe it came up from the rear	18	A Yes, sir.
19	side.	19	Q Can you describe any of the guys that
1 */	Q Did you see that these cars had their	20	actually got close to your position?
20		21	A At that point, no.
20 21	lights and sirens on when they were approaching?		/
21	lights and sirens on when they were approaching? A Yes, there were sirens.	l	O So you couldn't even tell us whether
21 22	A Yes, there were sirens.	22	Q So you couldn't even tell us whether they were black or white or sizes or anything?
21	A Yes, there were sirens.Q And did the lights	22 23	Q So you couldn't even tell us whether they were black or white or sizes or anything? A There was black officers involved.
21 22 23	A Yes, there were sirens.	22	they were black or white or sizes or anything?

Cas	e 2:06-cv-04701-DMDeposition of BASSEM KAND	Π_ta	aken on September 24, 2008 Page 229 to 232 of 286
	was white and black.	,	231
1 2	Q Do you remember, while these cars were	1 2	up? MR. KOBIN: Let's take a five-minute
3	coming and blocking off the area, did Yurkovic	3	break.
4	and/or Oels say anything to you letting you know	4	(At this point in the proceedings, a
5	what was going to happen?	5	brief recess is taken.)
6	A No, sir.	6	BY MR. CONNELL:
7	Q At this point you haven't been issued	7	O Mr. Kandil, you stated that it was one
8	the summons?	8	or two minutes when the first group of cars came up
9	A No.	9	to assist these two officers, then left the scene.
10	Q You haven't been returned your	10	You then approached with a PBA card. You were told
11	driver's license?	11	to get on the sidewalk, and then some other period
12	A Correct.	12	of time passed where you then began to realize that
13	Q You haven't been returned the PBA	13	additional cars were then coming back to the scene,
14	card?	14	right?
15	A Correct.	15	A Yes, sir.
16	Q Do you know whether or not Yurkovic	16	Q How much time would you say from the
17	made any phone call to the sheriff's office at this	17	point that Police Officer Yurkovic's car first came
18	point?	18	up alongside of you and stopped and the point that
19	A No.	19	that second group of officers was now coming as
20	Q Did Yurkovic ever leave your position	20	backup?
21	while these reinforcements were coming or backup	21	A Guesstimate, ten minutes, fifteen
22	officers were coming?	22	minutes is a guesstimate.
23	A No.	23	Q Do you have any idea where your wife
24	Q So he basically stayed around you at	24	was turning around making that U-turn to come
25	the front of car with that book out and your PBA	25	around and pick you up?
	230		232
1	card and DL in his pocket?	1	A Yes, sir.
2	A Correct.	2	Q Where was she?
3	Q Did you hear the officers talk to each	3	A She was driving by. She came to see
4	other, and I'm talking about now this group when	4	what was going on, and she went to park the car in
5	they arrived and they approached your position?	5	the station and she came back. The street was
6	A Talking to each other, no, I did not	6	blocked. She walked, and at that point -
7	hear them talk to each other.	7	Q She would have gone around the
8	Q Do you know whether or not they did	8	Yurkovic patrol car and she was that you were
9	speak with each other?	9	being talked to by the officer and parked in the
10	A I heard Yurkovic point to me and say,	10	Shell Station?
11	"The guy with the cigarette, let's go get him." He	11	A I believe when she saw me, I was on
12	said that in a loud tone; but again, they're	12	the sidewalk because she went up to me and said,
13	looking up among each other. They're not yelling.	13	"What's wrong? What's wrong?" and I said, "They're
14	They're pretty much talking in a low tone of voice,	14	just giving me a ticket."
15	so I can't hear specifics, but I did hear.	15	Q Did you ever ask her where she went
16	Q You did know that they were talking to	16	that took so much time in order to get back to
17	each other; and then you heard Yurkovic say words	17	where you guys were?
18	that you can tell us about, which is, "Let's go get	18	A No.
19	him"?	19	Q Okay. Now, Officer Yurkovic pointed
20	A Pointing to me, and said, "The guy	20	at you, and he says, "The guy with the cigarette,
21	with the cigarette, let's go get him."	21	go get him. Let's go get him"?
22	Q Did he actually say, "The guy with the	22	A Correct.
23	cigarette" as he was pointing?	23	Q Right?
24	A Yes, sir.	24	A Yes, sir.
25	THE WITNESS: Do you mind if I stand JPERIOR COURT REPORTERS, INC. 201-94	25	Q Is smoking against the Arabic 58 of 97 sheets

Cas	e-2:06-cv-	04701 DMC WE DOCUMENT 93.13	II. t	aken on Sentember 24, 2008 Page 233 to 236 of 286
1	religion?	233	1	Q Based upon what the officers
2	A	No, sir, it's not.	2	acknowledged what happened?
3	Q	And do you normally smoke?	3	A Yes.
1 4	Ă	Yes, sir.	4	Q What's the first thing that happened
5	Q	Okay. And you got the cigarette	5	after these five, four or five officers approach
6	_	om your own pack of cigarettes and were	6	you?
7	•	of your own pack of eighteness and were it yourself? No one assisted you?	7	A Yurkovic had a cuff in his hand. He
8	A A	I believe Romain gave me a cigarette.	8	grabbed my right my left hand, I'm sorry, put a
		ve it wasn't my cigarette. He gave	9	cuff on it and then twisted my hand behind my back.
10	me a cigar		10	Q Did he twist your left hand behind
11	~		11	your back?
	Q other than	Was anyone else smoking at that time	12	A Yes, sir, my left hand behind my back,
12		•	13	walked behind me, and as he was doing that and
13	A Imares suba	Most of those guys smoke, so I don't		then reached with his right hand, put his hands
14	KIOW WIO	was smoking and who wasn't.	14	around my neck from behind me and then, you know,
15	Paraar et t	But you did have a cigarette on your	15	choked me like backwards and brought my head
16	•	he time that the officer said that?	16	backwards.
17	A	Yes, sir.	1 - 1	
18	Q	And you saw him pointing directly at	18	Q So he grabbed your left hand, cuffed it, pulled it behind your back, doesn't reach for
19	you?	NT.	19	7.2
20	A	Yes, sir.	20	your right hand to cuff that, which you would have
21	, . Q	Did you hear anybody else in the group	21	gladly given to him, correct?
22		problems with the police officers that	22	A Correct.
23		e warranted any kind of a reaction for	23	Q But instead put his right arm around
24		ll in reinforcements?	24	your neck and pulled you back?
25	A	No, sir.	25	A Stood behind me as he was taking my 236
	0	234	١.	
	Ų	Now, "Let's go get him," pointing his	1	left hand, putting it behind my back. That has the
2		ou and that was said by Yurkovic. Is	2	cuff on it. He's walking behind me. As he's
3	that right?	37	3	walking behind me and comes behind me and with
4	A	•	4	his I guess arm puts it around my neck and
5	Q	And do you know who he said it to?	5	chokes my head back.
6	Α	The group of officers that were around	6	Q And you're indicating it was with his
7	him.	And relief word 1	7	right arm while he's holding your left wrist behind
8	Q	And what next happened?	8	you?
9	Α	They walked towards me. As they were	9	A Yes, at that point.
10	<u> </u>	wards me	10	Q And then what happened?
11	Q	Who is "they"?	11	A Two of the officers grabbed my right
12	A	Yurkovic and the police officers.	12	hand.
13	Q	Was Oels with them?	13	Q Do you know who did that?
14	A	Yes, sir.	14	A Oels and Adobe.
15	Q	How many officers walked towards you?	15	Q Is that Abode, A-B-O-D-E? Is that who
16	A	Four, five.	16	you mean?
17	Q	So there would have been Yurkovic,	17	A Yes, Abode.
18		wo or three others?	18	Q So both officers grabbed your right
19	A	Two or three others, correct.	19	hand?
20	Q	None of whom you can describe?	20	A Yes, both grabbed my right hand. They
21	A	Physically, no.	21	twisted it behind my back. As they're twisting it,
22	Q	And you don't know who their names are	22	they cuff me, all jumped on me, and they just kept
23	at this time		23	saying, "You're under arrest. You're under
24	. A	From the police report I know who they	24	arrest," and at that point, like I said, I'm
25	are, but	OURT REPORTERS INC 201-94	25	getting punched, kicked, and I really didn't 50 of 97 sheets

Cas	se 2:06-cv-	04701-DMC-William of BASSEM KANI	II-ti	iken on Sept	ember 24, 2008 Page 237 to 240 of 286 Page 12 of 49 Page 15: 150239
1	Q	So no officer instructed you to	1	A	No, sir, he was choking me.
2	~	n around and place your hands behind	2	Q	He was just choking you; and at that
3	your back'	-	3	-	the right hand got cuffed, that's when
1	A	Correct, sir.	4	*	jumped on you?
5	Q	No officer; and Officer Yurkovic	5		Correct.
6	•	our left hand, pulled it behind, didn't	6	Ö	Do you know was it were you taken
7		provide your right hand for cuffing,	7		nd as a result of four or five officers
8	correct?	provide your right hand for earning,	8	jumping of	•
9	A	Correct.	9	A	Yes, sir.
10	Q	Instead he just grabbed you around the	10	Q	And do you know how you fell to the
11	~	hich point two other officers grabbed	11	ground?	,
12		hand and then pulled it behind, and one	12	A	Pretty much knees and face.
13		at you can't tell us cuffed	13	Q	Face forward?
14		ned the cuffing?	14	Ă	Yes, sir.
15	A	Yes.	15	0	Do you happen to know how many cuffs
16	Q	And after they cuffed you, Yurkovic's	16	~	to cuff you, how many sets of cuffs?
17	•	ill around your neck?	17	A	Two cuffs.
18	A A	At that point all everybody jumped	18	Q	Two sets of cuffs?
19	on me and		19	Ă	Yes, sir.
20	Q Q	Everybody jumped on you?	20	Q	Four cuffs?
21	A	Yes, sir.	21	Ă	No, two cuffs.
22	Q	Meaning four these four or five	22	0	One for one wrist and one for the
	officers?	Meaning four these four of five	23	~	, and that set of cuffs was just one set
23	A	The three or four, yes, four or five	24	of two cuff	
24 25	officers.	The timee of four, yes, four of five	25	A	Yes, and then another set.
2.5	UIIICCIS.	238	123		240
1 1	0		1	O	And then another set?
1 2	Q A	Four or five officers?	1 2	Q A	And then another set? Yes. sir.
2	À	Four or five officers? Correct.	2	Ā	Yes, sir.
2	A Q	Four or five officers? Correct. Now, when Yurkovic put his arm around	2 3	A Q	Yes, sir. Are you saying that you had two loops
2 3 4	A Q your neck,	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing	2 3 4	A Q around eac	Yes, sir. Are you saying that you had two loops h wrist?
2 3 4 5	A Q your neck, when he d	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that?	2 3 4 5	A Q around eac A	Yes, sir. Are you saying that you had two loops h wrist? Correct. Initially I had one. Then
2 3 4 5 6	A Q your neck, when he d	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my	2 3 4 5 6	A Q around eac A when they	Yes, sir. Are you saying that you had two loops h wrist? Correct. Initially I had one. Then finally finished beating me up and took
2 3 4 5 6 7	A Q your neck, when he do A hand arour	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know	2 3 4 5 6 7	A Q around eac A when they me into the	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took e car before when I was laying face on
2 3 4 5 6 7 8	A Q your neck, when he d A hand arour	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You	2 3 4 5 6	A Q around eac A when they me into the the ground	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me;
2 3 4 5 6 7 8 9	A Q your neck, when he do A hand aroun Q know, when	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you	2 3 4 5 6 7 8	A Q around eac A when they me into the the ground and then the	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from
2 3 4 5 6 7 8 9	A Q your neck, when he do A hand aroun Q know, who feel the we	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to	2 3 4 5 6 7 8 9	A Q around each A when they me into the the ground and then the behind, pice	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took e car before when I was laying face on they put another set of cuffs on me; hey picked me up from my hand from eked me up like that and then took me
2 3 4 5 6 7 8 9 10	A Q your neck, when he do A hand aroun Q know, who feel the we	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it?	2 3 4 5 6 7 8	A Q around each A when they me into the the ground and then the behind, pice	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from the car so (indicating)
2 3 4 5 6 7 8 9 10 11 12	A Q your neck, when he do A hand aroun Q know, whe feel the we just holdin A	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards.	2 3 4 5 6 7 8 9 10	A Q around eace A when they me into the the ground and then the behind, pickinside the Q	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially
2 3 4 5 6 7 8 9 10 11 12 13	A Q your neck, when he do A hand aroun Q know, whe feel the we just holdin A	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing dt that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically.	2 3 4 5 6 7 8 9 10 11	A Q around eace A when they me into the the ground and then the behind, pickinside the control of the property of the property of the control	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially
2 3 4 5 6 7 8 9 10 11 12 13	A Q your neck, when he do A hand arour Q know, who feel the we just holdin A I wouldn't Q	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had	2 3 4 5 6 7 8 9 10 11 12 13	A Q around eace A when they me into the the ground and then the behind, pick inside the Q just one se A	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially to cuffs? Yes, sir.
2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Q your neck, when he do A hand aroun Q know, who feel the we just holdin A I wouldn't Q jumped on	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing dt that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically.	2 3 4 5 6 7 8 9 10 11 12 13 14 15	A Q around eace A when they me into the the ground and then the behind, pick inside the Q just one se A Q	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially to cuffs? Yes, sir. And before they put you in the car,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q your neck, when he d A hand arour Q know, whe feel the we just holdin A I wouldn't Q jumped on point?	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that	2 3 4 5 6 7 8 9 10 11 12 13	A Q around each A when they me into the the ground and then the behind, pick inside the Q just one se A Q another set	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from the car so (indicating) Just to repeat, there was initially to cuffs? Yes, sir. And before they put you in the car, to cof cuffs was put on you, and you had
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q your neck, when he do A hand aroun Q know, who feel the we just holdin A I wouldn't Q jumped on point? A	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q around each A when they me into the the ground and then the behind, pick inside the Q just one se A Q another set	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially to cuffs? Yes, sir. And before they put you in the car,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q your neck, when he do A hand aroun Q know, who feel the we just holdin A I wouldn't Q jumped on point? A Q	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	A Q around eace A when they me into the the ground and then th behind, pic inside the Q just one se A Q another set two loops:	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially to f cuffs? Yes, sir. And before they put you in the car, to f cuffs was put on you, and you had around each wrist? Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q your neck, when he d A hand aroun Q know, whe feel the we just holdin A I wouldn't Q jumped on point? A Q A	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q around each A when they me into the the ground and then the behind, pick inside the Q just one se A Q another set two loops:	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from the car so (indicating) Just to repeat, there was initially to f cuffs? Yes, sir. And before they put you in the car, to f cuffs was put on you, and you had around each wrist? Correct. Do you have any idea who placed the
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q your neck, when he d A hand aroun Q know, whe feel the we just holdin A I wouldn't Q jumped on point? A Q A that what y	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You as somebody would be jumping on you, you sight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is your question is?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q around each A when they me into the the ground and then the behind, pick inside the Q just one se A Q another set two loops:	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me car so (indicating) Just to repeat, there was initially to f cuffs? Yes, sir. And before they put you in the car, to f cuffs was put on you, and you had around each wrist? Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q your neck, when he do A hand aroun Q know, whe feel the we just holdin A I wouldn't Q jumped on point? A Q A that what y Q	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is your question is? We're only talking about when he put	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q around eace A when they me into the the ground and then th behind, pic inside the Q just one se A Q another set two loops: A Q second set	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from took me up like that and then took me that so (indicating) Just to repeat, there was initially to fo cuffs? Yes, sir. And before they put you in the car, to fo cuffs was put on you, and you had the around each wrist? Correct. Do you have any idea who placed the of cuffs on you? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q your neck, when he do A hand around Q know, when feel the we just holding A I wouldn't Q jumped on point? A Q A that what y Q his arm	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You imprine on you, you sight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is your question is? We're only talking about when he put when he first put his arm around your	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q around eac A when they me into the the ground and then th behind, pic inside the Q just one se A Q another set two loops: A Q second set A Q	Yes, sir. Are you saying that you had two loops the wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from the car was initially to cuffs? Just to repeat, there was initially to fouffs? Yes, sir. And before they put you in the car, to fouffs was put on you, and you had around each wrist? Correct. Do you have any idea who placed the of cuffs on you? No. When you were taken to the ground face
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q your neck, when he d A hand arour Q know, whe feel the we just holdin A I wouldn't Q jumped on point? A Q A that what y Q his arm neck and h	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You an somebody would be jumping on you, you sight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is your question is? We're only talking about when he put when he first put his arm around your e's holding your left arm, which he had	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A Q around eac A when they me into the the ground and then th behind, pic inside the Q just one se A Q another set two loops: A Q second set A Q	Yes, sir. Are you saying that you had two loops th wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from toked me up like that and then took me that so (indicating) Just to repeat, there was initially the of cuffs? Yes, sir. And before they put you in the car, the of cuffs was put on you, and you had the around each wrist? Correct. Do you have any idea who placed the of cuffs on you? No. When you were taken to the ground face that all on the sidewalk?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q your neck, when he d A hand arour Q know, whe feel the we just holdin A I wouldn't Q jumped on point? A Q A that what y Q his arm neck and h	Four or five officers? Correct. Now, when Yurkovic put his arm around did he jump on you or was he standing id that? He was behind me, like I said, with my ad me, so I don't know Well, did you feel his weight? You en somebody would be jumping on you, you eight of a person on you as compared to g you around the neck. Which was it? I don't know. My neck was backwards. recall that specifically. You don't know whether Yurkovic had your back? You don't know that at that At that point, no, sir. He did And you don't know I don't know if he jumped on me. Is your question is? We're only talking about when he put when he first put his arm around your e's holding your left arm, which he had ffed behind you, did he jump on you at	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q around eac A when they me into the the ground and then th behind, pic inside the Q just one se A Q another set two loops: A Q second set A Q forward, w A	Yes, sir. Are you saying that you had two loops the wrist? Correct. Initially I had one. Then finally finished beating me up and took to car before when I was laying face on they put another set of cuffs on me; they picked me up from my hand from the car was initially to cuffs? Just to repeat, there was initially to fouffs? Yes, sir. And before they put you in the car, to fouffs was put on you, and you had around each wrist? Correct. Do you have any idea who placed the of cuffs on you? No. When you were taken to the ground face

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1	the sidewal	2.1	1		213
2	Q	But it wasn't in the street?	2	Q	In order to have gotten to that
3	À	Correct, it was not in the street.	3	~	appears to be running parallel with
4	Q	Did you make any contact with a	4		lk, you would have had to have stepped
5	~	hich would have been on the other side of	5		grass and then leaned against the
6	_	at you're talking about during this	6	railing. Is	-
7	struggle?		7	A	Yes, sir, standing on the grass.
8	A	I was standing in front of the stair	8	Q	And were you facing the officers or
9	rail.		9	-	street when you were leaning up against
10	Q	Try to answer my question. Did you	10	that railing	-
111	-	contact with a building?	11	Α	Yes, sir.
12	Á	During the struggle you're saying?	12	Q	Did you ever attempt to force the
13	Q	During this entire altercation.	13	officers ag	ainst that railing during the struggle?
14	À	No. I was leaning on a before they	14	A	No, sir.
15	came and a	rrested me, correct?	15	Q	Did you ever make contact with that
16	Q	No, I didn't no. Okay.	16	railing duri	ing the struggle?
17	À	You're saying during the altercation?	17	Ã	No.
18	Q	I did ask you during the struggle.	18	Q	Did you make contact with the stairs
19	•	officers put their hands on you, did you	19	~	that adjacent building, you know,
20		ontact with the building?	20		vards the Olde Queens Tavern during the
21	Á	No.	21	struggle?	•
22	Q	Were you attempting to bang any of the	22	A	Because I was standing on the opposite
23	officers int	o a building?	23	side, the or	pposite side.
24	Α	No, sir, my hands were cuffed.	24	, Q	Therefore, the struggle all occurred
25	Q	That's not my question. Cuffed or not	25	in this little	e patch of grass and the sidewalk that
	····	242			244
1	cuffed, did	you attempt to bang any of the officers	1	we see?	
2	against a bi	uilding in order to get them off you?	2	Α	That one corner there, yes, pretty
3	Α	No, sir.	3	much.	
4	Q	And you're saying that at one point	4	Q	Right in the corner?
5	you were le	aning against a building?	5	Α	Yes.
6	Α	As we while we were smoking it	6	Q	Why don't you put a circle in the area
7	wasn't a bu	ilding. If you were there, you would	7	that you're	talking about on P-3?
8	see there's	a like a stair rail, I guess, which	8	Α	(Witness complies.)
9	is right th	nere's a sidewalk, a small piece of	9	Q	And this would have been the location
10	grass and a	stair rail, so I was just leaning on	10		kovic put his arm around your neck, where
11	the rail.		11	-	ffed, and when they then put you onto the
12		MR. KOBIN: Well, I don't have those	12	ground face	e forward, correct?
13	pictures.		13	Α	Yes, sir.
14		MR. CONNELL: You don't have these?	14	Q	So basically the entire area of the
15	Mari	k this as P-3.	15		ould have been confined to what would you
16		(A photograph is received and marked	16		s of an area, six-foot circumference
17		r identification by the reporter.)	17	_	ht feet? What would you say?
18	BY MR. CO		18	Α	Yes, six to eight feet.
19	Q	I show you what's marked P-3. Does	19	Q	Six to eight feet. Okay.
20		nat piece of grass? It looks like it's	20		v, after you were taken to the ground
21	•	vn in the whole strip of buildings	21		what do you remember happening?
22		at the grass that you're talking about	22	Α	I was being punched and kicked. I
23		ling that's there?	23	remember -	· · ·
24	Α	Yes, that metal railing, yes. I was	24	Q	Do you know how many people were doing
25		then standing, so just standing right	25	<u></u>	nany officers were doing that?
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1	A I don't know the exact number. To me	1	like it was ten minutes. What's your best estimate
2	it was just multitude of legs and feet.	,	now after you had a time to reflect on it?
3	Q Fair to say you don't know whose feet	3	A Maybe it was four minutes.
4	were delivering kicks and whose punches were	4	Q And during those four minutes, would
5	delivering blows. Is that fair?	[you say that the kicks and the punches were
6	A I don't know who was doing what, but I	6	nonstop?
7	know, yes	7	A Yes.
8	Q Well, that's what I mean. You're	8	O As do you know what parts of your body
9	talking about one of these four or five officers	9	were being kicked and punched?
10	that had jumped on you.	10	A Yes.
11	A At that point, at that point again,	11	Q Where do you remember being kicked?
12		12	A The side, my sides or my rib cage
	it's a long process. So again I got jumped on, brought to the	13	area.
13			
14	ground; and as I was laying on the ground, I was	14	S *I
15	being punched and kicked and stomped on. I was	15	
16	also	16	Q Right and left ribs? A All the way around, yes. I remember
17	Q By officers that you can't identify?	17	•
18	A I'm on the ground.	18	the right more.
19	Q You can't	19	Q What else? Right and left ribs. What
20	MR. KOBIN: Objection to form.	20	else?
21	Objection to form.	21	A Again, at one point my
22	Q You can't identify the names of the	22	Q I'm talking about kicks right now.
23	four officers, any of the four or five officers	23	A Kicks?
24	that were involved as to who delivered what blows.	24	Q Yes. Where were you kicked?
25	Is that fair?	25	A I was being kicked on my side of my
	246	i .	7/18
1		[248
1	A At that point, correct, yes, sir.	1	body and my shoulders.
1 2	A At that point, correct, yes, sir.Q And how long was the punching and	1 2	body and my shoulders. Q Both sides of your body and shoulders?
1 -	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on?	1 2 3	body and my shoulders. Q Both sides of your body and shoulders? A Correct.
2	A At that point, correct, yes, sir.Q And how long was the punching and	ł	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your
2 3	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was.	3	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your
2 3 4	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably	3 4	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs?
2 3 4 5	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you.	3 4 5	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs? A No, mostly no, mostly from my waist
2 3 4 5 6	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you. A Seemed like ten, fifteen minutes. I	3 4 5 6	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs? A No, mostly no, mostly from my waist up to my neck area.
2 3 4 5 6 7	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you.	3 4 5 6 7	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs? A No, mostly no, mostly from my waist up to my neck area. Q So the torso?
2 3 4 5 6 7 8	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you. A Seemed like ten, fifteen minutes. I don't know how long it was. Seemed like an eternity.	3 4 5 6 7 8	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs? A No, mostly no, mostly from my waist up to my neck area. Q So the torso? A Yes, including shoulders.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you. A Seemed like ten, fifteen minutes. I don't know how long it was. Seemed like an eternity. Q What's your best estimate now as to how long that you were punched and kicked or how many punches and kicks that were delivered to you? A Initially I say it was ten minutes, but again I don't know if it was Q When you say initially it was ten minutes A After it happened, to me in my mind I said it was ten minutes, that they were beating me up for ten minutes; but, again, I didn't get to finish the rest of that. I'm sorry. If I could finish it	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	body and my shoulders. Q Both sides of your body and shoulders? A Correct. Q And when you say both sides of your body, are you talking about your thighs and your calves, your legs? A No, mostly no, mostly from my waist up to my neck area. Q So the torso? A Yes, including shoulders. Q Both sides of the torso from basically your waist area to the shoulders? A Correct. Q Is that the only place that you were kicked? A I was there was a big bruises on my foot, on my ankle, so I don't know if that was a kick or not, but the main concentration was my upper body. Q Do you recall where you were punched? A I was punched in my back, punched in my face.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A At that point, correct, yes, sir. Q And how long was the punching and kicking going on? A I don't know what time, how long it was. Q Well, what did it take? Probably seemed like an eternity to you. A Seemed like ten, fifteen minutes. I don't know how long it was. Seemed like an eternity. Q What's your best estimate now as to how long that you were punched and kicked or how many punches and kicks that were delivered to you? A Initially I say it was ten minutes, but again I don't know if it was Q When you say initially it was ten minutes A After it happened, to me in my mind I said it was ten minutes; that they were beating me up for ten minutes; but, again, I didn't get to finish the rest of that. I'm sorry. If I could finish it Q Well, I'm going to let you finish the	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Do you recall where you were punched? A I was punched in my face. Q Any other areas that you could

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l .			1	Q In any event, your one inch of hair is
l	_	my back, but I didn't get to finish the	2	11: 4:109
3	0 777		3	d di Tarrali ann danni an
4	1 1 77		<u></u>	inch longer than what I have now.
5	you were p		5	0 777 + 1 1 1 0
6	you were p	Yes, sir. Head, face.	6	A V 1 till and Laura id in Thomas
7	Q	Do you remember that you say that	7	. I I I I I I I I I I I I I I I I I I I
8	-	vas on your back?	8	
9	A	Yes.	9	111
10	Q	He was on your back with three or four	10	
11	_	ers when they took you to the ground,	11	
12	right?	no whom may took you to me ground,	12	
13	A	Brought me to the ground. As they	13	
14	were beating	<u> </u>	14	A
15		orry, sir. Go. I apologize.	15	.,
16	Q	That's correct right up to that point?	16	
17	Ă	Yes.	17	
18	Õ	And you said you were being kicked and	18	
19	_	r about four minutes?	19	
20	A	Yes.	20	<u> </u>
21	Õ	Do you recall that while you were	21	
22	•	ed and punched for these four minutes,	22	
23	_	vic was still lying on your back?	23	. 2
24	A	No.	24	
25	Ö	Okay. Did there come a time when you	25	
2.5	<u></u>	250	25	252
1	were lifted		1	1 you that did that?
2	A A	Yes, sir.	2	A ** 0.1 1 ('.1'-4')
3	Q	And how were you lifted up?	3	0 0 1 :-1.4 -:4-0
١.	Ä	I was grabbed by my hair, grabbed by	4	A Viveleguia was the one that are bled my
5		d my I guess my shoulder area.	5	hair or grabbed my head lifting my head up because
6	Q	Is your hair shorter now than it was	6	S S S S S S S S S S S S S S S S S S S
7	then?	15 your man shorter now than it was	7	ا به به د
8	A	Yes.	8	
9	Q	How long was your hair back then?	9	
10	Ă	I mean obviously I had a lot more	10	
11	hair.	Thear obviousty I had a for more	11	0 01 01 1171
12	Q	Would you agree nobody could grab your	12	
13	hair right n		13	
14	A	ow: Yeah.	14	
15	Q	You would agree with that?	15	
16	A	Yes.	16	
17	Q	Your hair was longer back then?	17	
18	· A	Little longer.	18	
19	Q	How much longer was it?	19	
1	A	It was fuller, fuller, and maybe inch	20	0 - 1 1: 1: 0
20 21		n was funct, funct, and maybe men	21	
22	longer. Q	So they were able to grab an inch of	22	
23	hair?	so arey were able to grab an men or	23	
24	nan :	You can grab your hair like this if	24	
25	you want (i	- •	25	
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Cas	se 2:06-cv-	04701-DMPenosition of BASSEM KAND	II <mark>e t</mark> e	ken on September 24, 2008 16 of 49 Page 15, 15, 15, 15, 15, 15, 15, 15, 15, 15,
1	A	Yes, sir.	1	O And you believe that these landed on
2	Q	Handcuffed?	2	your nose as well as the right side of your cheek?
	A		3	A The right cheek area, pretty much
3		Yes, sir. As he was punching me in my	3	here, mostly in my nose area (indicating).
4	face	W75 3: 4 1 - 1:4 1:	4	O But just so the record is clear,
5	Q	Where did he hit you in your face?	5	
6	A	My recollection was the face, the	6	you're saying the nose as well as the right side
7	-	face, the side and my nose area, my	7	under your right eye.
8	nose to my		8	A I don't remember which side, but it
9	Q	Was he using his right fist to punch	9	was my nose. That's the big thing I remember
10	you?		10	because all I remember is I felt my nose gush out
11	Α	Yes, I believe it was his right fist.	11	with blood, and literally I felt I went black for a
12	Q	You're referring to the right side of	12	quick second, but I really didn't pass out. I
13	your face?		13	just — so that's the most of it was my nose.
14	Α	I'm trying to most of the punches	14	Q And your best recollection, there was
15	were to my	nose area because I felt my nose	15	three punches delivered to that area?
16	explode, ju	st like blood started to rush out.	16	A Three to four punches, a couple.
17	Ô	Do you know what a jab means? Do you	17	Again, to me it seemed like there was more. Again,
18	know what	a punch called a jab is?	18	I wasn't counting, but a real amount, probably
19	A	No, just a short punch.	19	three to four.
20	Q	You don't know what a jab is,	20	Q Three to four punches. Was anyone
21	-	punch, arm extended straight at you, as	21	holding you, other than Yurkovic holding your hair,
]	-	o a roundhouse?	22	when these punches were delivered to your nose?
22			ı	A Yes, sir. I was being held again by
23	A	I guess just like that (indicating).	23	the two other officers; and they were also kicking
24	Q	So for the record, you're talking	24	
25	about short		25	me, kneeing me in my I believe Oels, he was on
		254		
1	Α	Correct.	1	my right. He was kneeing me in my rib area, and
1 2				
2	Q	Which were basically the fist was	2	the other guy I guess they were punching me in
3	moving app	proximately a foot from where he would	3	my back or on top of my back, I should say, or
1	moving app	proximately a foot from where he would punch until where it hit you?	2 3 4	my back or on top of my back, I should say, or behind my back.
3	moving app	proximately a foot from where he would	2 3 4 5	my back or on top of my back, I should say, or behind my back. Q And you believe that both officers who
3 4	moving apprelease the	proximately a foot from where he would punch until where it hit you?	3 4	my back or — on top of my back, I should say, or behind my back. Q And you believe that both officers who were holding you, Abode and Oels, were kneeing you
3 4 5	moving apprelease the	proximately a foot from where he would punch until where it hit you? Correct. They were close. He had me	3 4 5	my back or on top of my back, I should say, or behind my back. Q And you believe that both officers who
3 4 5 6	moving apprelease the A up, and he	proximately a foot from where he would punch until where it hit you? Correct. They were close. He had me just started punching me in the face.	3 4 5	my back or — on top of my back, I should say, or behind my back. Q And you believe that both officers who were holding you, Abode and Oels, were kneeing you
3 4 5 6 7	moving apprelease the A up, and he	proximately a foot from where he would punch until where it hit you? Correct. They were close. He had me just started punching me in the face. Was he holding your hair while he was ou in the face?	3 4 5 6 7	my back or — on top of my back, I should say, or behind my back. Q And you believe that both officers who were holding you, Abode and Oels, were kneeing you in the rib area and also punching you in the back?
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3 4 5 6 7 8 9 10	moving apprelease the A up, and he Q punching y A head back.	proximately a foot from where he would punch until where it hit you? Correct. They were close. He had me just started punching me in the face. Was he holding your hair while he was ou in the face?	3 4 5 6 7 8 9 10	my back or — on top of my back, I should say, or behind my back. Q And you believe that both officers who were holding you, Abode and Oels, were kneeing you in the rib area and also punching you in the back? A Yes, sir. Q And how long would you say that you were in this position, in that kneeling position receiving these variety of punches and knees and —
3 4 5 6 7 8 9 10 11 12	moving apprelease the A up, and he g Q punching y A head back. Q hair?	punch until where it hit you? Correct. They were close. He had me just started punching me in the face. Was he holding your hair while he was ou in the face? Yes, he was pulling my hair and hit my Do you know what hand was holding your	3 4 5 6 7 8 9 10 11 12	my back or — on top of my back, I should say, or behind my back. Q And you believe that both officers who were holding you, Abode and Oels, were kneeing you in the rib area and also punching you in the back? A Yes, sir. Q And how long would you say that you were in this position, in that kneeling position receiving these variety of punches and knees and — A I'd say that whole incident of
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	after that, correct.		259
1 2	_ ^	1 1	with her, deep conversations.
- 1		2	Q Whether they were deep or otherwise,
3	A Yes.	3	when you saw your wife was close-by, you're being
4	Q Now, were you saying anything while	4	beaten for five to six minutes, did you ever ask
5	you were being beaten like this?	5	your wife, "Did you see what was going on? Did you
6	A Yes. I was just yelling in pain.	6	see what happened?"
7	Q What were you saying?	7	A No, never really sat down and have a
8	A Just yelling in pain, you know,	8	conversation about it.
9	"Please stop," and that was it.	9	Q So you don't know whether or not she's
10	Q Did you ever ascertain whether or not	10	a witness to the actual beating yet?
11	your wife was able to get close enough to see what	11	A Again
12	was going on?	12	Q Your wife?
13	A When I stood up, she was standing, so	13	A Again, when I stood up, my wife was
14	I don't know again, I was being beat up; but	14	standing there.
15	when I did stand up, she was standing there with my	15	Q I understand that. You said she was
16	other friends.	16	standing there. What I'm asking you is did you
17	Q Did you ever ascertain whether or not	17	ever have a conversation with her to ask her
18	your wife was close enough to see what was going	18	whether or not she would be able to testify about
19	on?	19	the fact that she saw the actual beating that was
20	A To be honest with you	20	going on for five to six minutes?
21	MR. KOBIN: Objection to the form of	21	A Of course she did see it. That's why
22	the question.	22	she's here. She's not here for
23	Q I'm going to ask it again. Did you	23	Q But you never talked to her about it?
24	ever ascertain yourself whether or not your wife	24	A We have never had a conversation about
25	was close enough to see what was going on?		l l
23		25	it. It's not something you really want to talk 260
١,	258	_	
	MR. KOBIN: Okay. I'm going to object	1	about. It's a bad memory. It's not like it's a
2	to the form of the question.	2	party, a festival, a wedding.
3	MR. CONNELL: Your objection is noted.	3	Q Did you ever talk to any of your other
4	MR. KOBIN: Thank you.	4	friends at any time up to the present time whether
5	MR. CONNELL: You don't have to say	5	or not they were an actual witness to the beating?
6	anything for	6	A Yes.
7	MR. KOBIN: Just slow down. You may	7	Q And who did you talk to?
8	answer the question.	8	A Mohamed Farzaie.
9	BY MR. CONNELL:	9	Q Is there anybody that you didn't talk
10	Q Did you ever ascertain that your wife	10	to, let me put it that way, out of that group of
11	was close enough to see what was going on?	11	seven guys that was with you?
12	A You mean after the fact?	12	MR. KOBIN: Just one second.
13	Q Up to the present time.	13	Objection to the form of the question.
14	A Up to the present time, yes.	14	MR. CONNELL: I'll withdraw the prior
15	Q So you talked to her about it?	15	questions.
16	A Yes. We never really spoke about it,	16	Q Did you talk to any of the seven
17	never sat down and had a conversation.	17	members of your group
18	Q Did you ever ask her if she saw you	18	A What do you mean by "talk"?
19	being beat	19	Q not
20	A She did see me.	20	A What do you mean by "talk"?
21	Q Did you ask her, "Did you see what	21	Q Did you discuss the incident?
22	happened?" Did you ask her the question?	22	A We just talked what happened, this,
23	A Yes. She did see me.	23	that, that, or "What's your opinion? What's
24	Q Did she tell you what she saw?	24	your views?"
1 - '		1	-
25	A I never really got into conversations	25	Q Did you ask them whether they were a

witness to the beating? A Yes, yes, sir. A Yes, sir. A Yes, sir. A Yes, sir. D A Yes, sir. D A Yes, sir. MR. KOBIN: Objection to form. D Doyou remember whether or not you talked to them all individually? A Idon't recall. A Idon treember whether or not you talked to them all first own. MR. KOBIN: Objection to form. MR. STONE: With them or attomove present. MR. CONNELL: We'll get back into each one of these individually? MR. KOBIN: Objection to form. MR. KOBIN: Objection to form	Cas	:e 2:06-cv-	04701-DMC-WE-Document 32113	II. ta	aken on September 24, 2008 Page 261 to 264 of 28
2 cither an investigator or an attomery present with 3 during the bentings? 5 A Yes, sir. 6 Q And did each one of them say "Yes"? 7 A Yes, sir. 8 Q Did any of them tell you what they 9 saw? 10 A Yes, sir. 11 Q Did you talk to them all in a group or 12 did you talk to them separately? 13 AR. KOBIN: Objection to form. Go 14 ahead. 15 Q Did you talk to them in a group or 16 separately? 17 A I don't recall. 18 Q Well, when did you talk to -you 19 don't remember whether or not you talked to them 20 all together or whether or not you talked to them 21 individually? 22 A I do not remember, no. 23 Q Do you remember, no. 24 You can answer the question, but— 3 A Like I said, I'm just talking among 4 ourselves, so I don't recall if it was in a group 5 Q Well, when I say "anybody was with 6 you," what I meant, was there an investigator 9 yessent with any of these people who say they saw what occurred 4 during the bentings? 16 THE WITNESS: Did I personally have 10 with them? 11 MR. STONE: With them or with an investigator 12 THE WITNESS: No. They sat down with 12 an investigator or at attomery present. 14 With them? 15 THE WITNESS: No. They sat down with 16 main investigator or at attomery pass or with the people that with they again or attomery pass of these proble who say they saw what occurred 16 writh them or with an investigator 18 A I don't recall. 19 THE WITNESS: No. They sat down with an investigator 10 A I don't recall. 11 THE WITNESS: No. They sat down with an investigator 11 THE WITNESS: No. They sat down with an investigator 12 when there was any discussion with the people that you say with ever on toy out talked to them 19 don't remember we was any discussion with the people that time? 19 THE WITNESS: No. They sat down with an investigator 10 THE WITNESS: No. They sat down with an investigator 11 THE WITNESS: No. They sat down with the people that you say with sead of the people that you say with sead the people that you were the every say. 19 Yes. 20 Q Before we start talking about these w	1	witness to t	he beating?	1	yourselves, did you ever have a conversation with
didyou sak that to each one of them? A Yes, sir. Q And did ach one of them say "Yes"? A Yes, sir. Q Did any of them tell you what they saw? Saw? Saw? MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator? MR. STONE: With them or with an investigator? MR. STONE: With them or with an investigator? MR. STONE: With them or with an investigator? MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: Wou ever there, so you are time. MR. STONE: With them or with an investigator or attorney present. MR. STONE: Wou ever there, so you are time. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: With them or with an investigator or attorney present. MR. STONE: Wou ever there, so you ware when there was any discussion with the people that to say did not the people that wou were not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together	2	_	•	2	
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7	5	Α	Yes, sir.	5	THE WITNESS: Did I personally have
7 MR, STONE: With them or with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: No. They sat down with an investigator or attorney present. THE WITNESS: Was I present there, so you can't tell us what happened. Were you ever there when there or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all together or whether or not you talked to them all tome all time? MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into each one of these individually. MR. CONNELL: We'll get back into	6	Q	•	6	with them?
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25 yourselves. Well, when you weren't just amongst 25 beating, from the point that they jumped on you	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A ourselves, s Q you," what present? W Was the people of A Q A Q yourselves. a party? Do speaking alt together? A family and pretty much question. You	Like I said, I'm just talking among to I don't recall if it was in a group. Well, when I say "anybody was with I meant, was there an investigator as there a lawyer present? anyone else present other than you and that you were talking to No. amongst yourselves? No. And you say you were amongst Were you at some sort of a gathering, and you get together for the purpose of yout this? How was it that you got Well, again, some of them are my the rest of them are co-workers, so I a see them almost every day. MR. STONE: Billy, let me ask one indicated that no one was with you when	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A At that point they again brought me back — jumped on me again, had me on the floor. Q So then they jumped on you after you were on your knees and forced you back down to the ground? A Back to the ground again. At that time, they put another set of cuffs, picked me up from my forearm behind me, grabbed my two arms cuffed behind me and lifted me up like that and took me into the car and then — Q So then after this two- to three-minute beating while you were kneeling, they then jumped on you again, forced you to the ground and continued to kick and punch you? A Yes, sir. Q And how long did this take place? A The whole incident again, sir, was five to six minutes. That's what I'm trying to explain. Five to six minutes was the whole incident. That's what I kept trying to explain, but you're misunderstanding me. Q How long did the last portion where
SUPERIOR COURT REPORTERS, INC. 201-941-1550 66 of 97 sheet	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A ourselves, s Q you," what present? W Was the people of A Q A Q yourselves. a party? Dispeaking alt together? A family and pretty much question. You you had the	Like I said, I'm just talking among to I don't recall if it was in a group. Well, when I say "anybody was with I meant, was there an investigator as there a lawyer present? anyone else present other than you and that you were talking to No. amongst yourselves? No. And you say you were amongst Were you at some sort of a gathering, and you get together for the purpose of yout this? How was it that you got Well, again, some of them are my the rest of them are co-workers, so I a see them almost every day. MR. STONE: Billy, let me ask one indicated that no one was with you when see discussions when you were amongst	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	A At that point they again brought me back jumped on me again, had me on the floor. Q So then they jumped on you after you were on your knees and forced you back down to the ground? A Back to the ground again. At that time, they put another set of cuffs, picked me up from my forearm behind me, grabbed my two arms cuffed behind me and lifted me up like that and took me into the car and then Q So then after this two- to three-minute beating while you were kneeling, they then jumped on you again, forced you to the ground and continued to kick and punch you? A Yes, sir. Q And how long did this take place? A The whole incident again, sir, was five to six minutes. That's what I'm trying to explain. Five to six minutes was the whole incident. That's what I kept trying to explain, but you're misunderstanding me. Q How long did the last portion where you were kneeling up, you had received your

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1	again, forced you to the ground and began to punch	1	Q That's why we're going through this
2	and kick you, how long did they do that?	2	process, to see if you can have a better
3	A The first incident was about	3	understanding of your initial estimate of the ten
4	Q I'm not asking you about the first	4	minutes.
5	incident.	5	Two to three minutes was the first time that
6	MR. KOBIN: Objection.	6	they jumped on you and forced you to the ground,
7	A The whole thing is five, six minutes.	7	punched and kicked you innumerable times and you
8	MR. KOBIN: He's going to answer the	8	can't tell us what was going on; and then they
9	questions the way he wants to answer your	9	pulled you onto your knees, correct?
10	questions, sir, and that's it. Don't interrupt him	10	A Yes, sir.
11	again.	111	O And then they began to knee you into
12	Answer the question.	12	your ribs and to punch you. Yurkovic also grabbed
13	MR. CONNELL: Don't raise your voice	13	you by the hair and started punching you in the
			face. How long did that take?
14 15	to me or we're going to have a problem. MR. KOBIN: I'll tell you what,	14 15	A A minute and thirty seconds.
	Mr. Connell. We have a problem because you won't	16	
16 17	let the witness answer the questions	17	Q So one and a half minutes, right? A Yeah.
1	MR. CONNELL: I asked him		
18 19		18	Q Okay. Then they jumped on you again, forced you back down to the onto the ground, and
	MR. KOBIN: If he wants to go through	19	they were then kicking and punching you again. At
20	a process to get there, he's allowed to.	20	that point they also put an additional set of cuffs
21	MR. CONNELL: No, he's not.	21	<u>-</u>
22	MR. KOBIN: He is. He's allowed to.	22	on you, correct?
23	So your idea of how people are allowed to answer	23	A Correct, sir.
24	questions in incorrect. They can answer them as	24	Q And how long did that last? A About a minute to two minutes also.
25	they understand them and they can get to the	25	A About a minute to two minutes also. 268
١.	266		
I	information that you're seeking the way they want	1	Q And then they picked you up with two
2	to get there, and that's	2	sets of cuffs on, one officer again on either side
3	MR. CONNELL: You have your position.	3	of you picking you up under your armpits, and they
4	He's to answer the questions that we've got, but	4	brought you to your feet at this point?
5	I'm going to allow Mr. Kobin to have his way.	5	A Yes, sir.
6	BY MR. CONNELL:	6	Q And what did they do with you?
7	Q The first time that you were there, he	7	A Walked me to the car. As they were
8	choked you around the neck, came around you	8	walking me to the car, as they were picking me up,
9	Yurkovic choked you around the neck, brought his	9	I noticed my phone was on the floor. I asked the
10	arm around, your left arm around. You were then	10	officer, "My phone, my phone, please get me my
11	jumped on by the officers after your right wrist	11	phone," and he said, "Don't worry about it."
12	was cuffed. You were then forced down onto the	12	Again, to my left was my wife, Zizo the
13	ground. Then you were punched and beaten, correct?	13	other guys in my party. As they were walking me to
14	A Um-hum.	14	the car, I said to them, "Take a picture. Take a
15	MS. O'CONNOR: Yes?	15	picture," meaning take a picture because, you know,
16	Q Is that a "Yes"?	16	I'm here, I'm getting beat up, so I don't know what
17	A Yes.	17	the next step what are they going to do to me,
18	Q How long did that happen?	18	take me, throw me in the river or what they're
19	A Two to three minutes. Again, all due	19	going to do to me and when they would let me out,
20	respect, you're asking me time. I didn't have perception of time.	20	SO During this
21		21	Q During this
22	Q Well, none of us were there. We can't ask anybody else.	22	A as they were walking to the car.
23	• •	23	Q During this six and a half minutes
24	A Again, I don't know if it's ten minutes or one minute.	24	that you've described here, did you ever tell anybody while you were being beaten for anybody to
25	IPERIOR COURT REPORTERS INC 201-94	25	

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1	take a pict		1,	A I wouldn't say that much; but again, I
2	A	No, sir.	2	The state of the s
3	Q	Did any of your friends have cell	3	-
4	phones?	Did any or your monds have our	4	O 37 d 509
5	A	Yes, sir.	5	A T. 1. 1 A T T 1 10
6	Q	Do they all have cell phones?	6	
7	Ă	Most part, yes.	7	0 70 1 1 10 10 10 10 10 10 10 10 10 10 10 1
8	Q	And did any of them take any pictures	8	3 intend to produce at trial who are not members of
9	_	beating was going on?	وا	
10	A	No, I don't believe so.	10	
11	Ô	But after it's all over, you're being	11	
12	walked to	the car, you wanted them to take a	12	
13		you because you were afraid of them	13	
14		ou in the river, right?	14	
15	A	Yes, because they were taking me to	15	
16		aid to them, "Take a picture."	16	· · · · · · · · · · · · · · · · · · ·
17		Take a picture of you. That's what	17	
18	you meant	*	18	and the second s
19	you meant	Yes.	19	
	Q	In handcuffs?	20	
20 21	A		21	
22		Yes, standing by the police car.	22	
	Q imdissiduale	Did you ever ask any of these		<u> </u>
23		who were watching this thing going on	23	
24		utes or so, did you ever ask any of them	24	
25	whether or	not any of them had taken any pictures	25	272
١.		270	,	
1		cell phones while this beating was going	1	A Lindsay was saying it to Romain. Also
2		ourse of six minutes?	2	· · · · · · · · · · · · · · · · · · ·
3	A	Nobody ever thought of it. They were	3	they were also saying stuff when they were going
4		the situation.	4	
5	Q	So you did ask the question, and that	5	
6	was their r	-	6	
7	A	Correct.	7	<u>-</u>
8	Q	Up to the present time, you have never	8	_
9		ed of anybody in the public who may have	9	
10		s area who had taken pictures of what	10	
11	was going	· · · · · · · · · · · · · · · · · · ·	11	
12	A	Correct.	12	
13	Q	Is that right?	13	
14	A	Yep.	14	<u>~ ~</u>
15	Q	And do you recall as you were being	15	· · · · · · · · · · · · · · · · · · ·
16		ther or not there were a lot of people	16	
17		er than the seven people in your group,	17	
18		t people in the group, including your	18	•
19	wife and he		19	•
20	Α	There was people in the area. Again,	20	· ·
21		ing attention who is where. Again,	21	5 5
22	people wal	k up and down.	22	
23	Q	Right. Can you estimate approximately	23	
24	-	people may have been in that area? Are we	24	,
25	talking abo	ut a couple hundred people in the area?	25	Shell Station. What I'm asking you is did any

Ça:	se 2:06-cv-	Deposition of BASSEM KANI	DIL t	акел од Se р	tember 24,2008 Page 21 of 49 Page 273 to 276 of 28	
	friends of	yours or any investigator that you may	1	and then I	kept complaining about it being tight	
2		with ever indicate to you that Lindsay	2		g me, so then they cuffed me to the post.	
3		tual beating take place?	3	1		
4		I don't know if it was the actual	4	Q	So you remember having two sets of	
5		Again, I'd have to I'd have to see	5	•	ou at this point, right?	
6	what she h		6	A	Yes, sir.	
7	Q	So you don't know if she saw the	7	Q	When you were seated in the chair?	
8	•	you sit here today?	8	Ä	Correct.	
9	A	Correct. I don't recall, not I don't	9	Q	And that's when you said that the	
10	know.	Correct. I deric recarr, not I derit	10	•	bothering you?	
11	Q	You were then taken and placed in the	111	A	Yes.	
12	•	patrol car?	12	Q	And the officers took the cuffs off	
13	A	Yes, sir.	13	•	you to that post?	
14	Q	And you were then transported to	14	And curred	Yes.	
15	headquarte	•	15	0	And who was that that removed the	
16	A	Yes, sir.	16	_	cuffed you to the post?	
17	Q	And was Yurkovic and Oels both in that	17	A	I don't recall if it was Yurkovic.	
18	car?	And was I dixovic and Oels boul in that	18		lieve it was Oels because Yurkovic was	
19	A	Yes, sir.	19		ext to me, so I believe it was Oels.	
20	Q	•	4	_		
21	•	Do you know whether or not any other corted you into headquarters?	20	Q and not be	Do you remember a set being taken off	
22	A	No.	21		ing cuffed to the pole, because you	
23	_	Just those two?	22		ut having two sets of cuffs?	
24	Q A		23		they cuff two sets of cuffs to the pole	
25	Ô	Yes, sir.	24	or one?	Thelians it was one got	
123	<u> </u>	And do you remember where you were 274	25	<u>A</u>	I believe it was one set.	
1	brought in	to what kind of a room you were brought?	1	Q	Do you know what happened to the other	
2	A	They pulled into some type of garage.	2	set?	Do you know what happened to the offici	
3		ip. They went in. The garage closed,	3	A	No.	
4		rought me into a it was like a I		Q	Was only one hand cuffed to the pole?	
5	_	it was an open room.	5	A	No, sir, two hands were cuffed, but	
6	O	I'm going to call it a processing	6		Then I say "set," it's two	
7	`	nat a room where there was a bench and	7	Q	Now, when they took your cuff off, you	
8		would be able to fill out reports by	8	•	ey cuffed you to a pole?	
9		questions?	9	A	Yes.	
10	A	Correct.	10	Q	That would mean that one cuff would be	
11	Q	Are you comfortable with us calling it	11	-	he pole, right?	
12	a processin		12	A	Yeah, that would.	
13	A	Sure.	13	Q	And one cuff was still on your wrist?	
14	0	And were you brought to a bench and	14	A	I remember I was cuffed to the pole	
15	sat on a be		15	(indicating)		
16	A	I remember sitting on a chair. To my	16	Q Q	You're indicating with your two hands	
17		it was a chair.	17	-	you cuffed to the pole?	
18	0	And was there any pole near that chair	18	A	Correct.	
19	that was af	fixed to the ground?	19	Q	Do you know whether or not both hands	
20	A	There was a post, yes.	20	`	-	
21	\hat{Q}	A post?	21	to the pole?	andcuffed when you were also handcuffed	
22	Ä	Yes.	22	A	They cuffed both my hands to the pole.	
23	Q	And do you remember what was done with	23	Q	Do you know how that was done?	
24	the handcut		24	A	I don't recall.	
25	A	It was kept behind my back for awhile;	25	O	Well, did you have two sets of cuffs	
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1	then on the pole, one cuff on the right wrist, the	1	A I was on the floor, sir, so correct.
2	other cuff with respect to that set was on the	2	Q While you were in headquarters, do you
3	pole, one cuff on your left wrist with the other	3	remember any superior officer coming up to you?
4	cuff on that set of cuffs also on the pole?	4	A Yurkovic and Oels, they were going
5	A I do not recall. All I remember is	5	back and forth on the right corner towards the
6	both hands were cuffed to the pole. That's my	6	back. It's sort of like a hallway and comes
7	recollection.	7	around. There was a gentleman that came that I
8	Q You were then asked various questions	8	found out later was Sergeant Oels. At that point,
9	about your pedigree, date of birth, address, that	9	Yurkovic and Oels ran up to him and they were
10	kind of stuff?	10	having a conversation back and forth in the corner.
111	A Yes, citizen, no citizen.	11	Q So you're saying Yurkovic and Oels ran
12	Q Were you asked if you were injured?	12	up to the sergeant?
13	A Nope.	13	A Walked up. I don't know if he
14.	Q Did you see any other officer come	14	physically ran, but what I mean by walked up.
15	into the processing room other than Oels and	15	They went and approached him.
16	Yurkovic?	16	Q Did you hear what they were saying?
17	A There was one or two officers not in	17	A No, I could not hear. Sergeant
18	uniform. It was like open. It wasn't an enclosed	18	Oels
19	room, so there was people walking around.	19	MR. STONE: Billy, can I ask one
20	One officer was to my left sort of diagonal	20	question? I want to fill one thing in.
21	from me. He was laughing, saying, "Oh, you're an	21	From when you were lifted up and walked
22	idiot. Look what you did to yourself," this, that,	22	towards the patrol car to when you were actually
23	that. There was one or two black officers again on	•	brought to the processing room, there were no more
24	•	23	strikes or blows or anything that occurred between
1	the right, again stating, "You're lucky we weren't	24	· · · · · · · · · · · · · · · · · · ·
25	there. If we were there, we would have fed you up	25	you and the officers, correct?
1	278 more."		THE WITNESS: Correct.
2	Q There were two black officers that	1	MR. STONE: I'm sorry. Go ahead.
3	said that?	2	BY MR. CONNELL:
3		د ا	_
~	A And that's it; and both were going and	4	Q In fact, the the entire time that
5	coming because it was an open room, and everybody laughed and whispered and stuff like that.	5	you were in custody, even when you were in the
6	· ·	6	hospital, you were never struck again. Isn't that
7	Q By the way, during that entire struggle that was at the scene —	7	right?
8	MR. KOBIN: Objection to the form.	8	A Correct, sir.
9		9	Q After the conversation between
10	MR. CONNELL: To the word "struggle"?	10	Yurkovic and Oels and the sergeant and Sergeant
11	Q With respect to the entire	11	Oels, what next happened?
12	altercation, whatever we want to call it, where the	12	A Oels, the police officer, not the
13	officers were in contact with you, did you ever	13	sergeant, came. Yurkovic and Sergeant Oels were
14	attempt to grab at Officer Yurkovic's firearm?	14	talking. I saw him like, you know, shaking his
15	A No, sir. I was cuffed, so I couldn't.	15	head, looked like they were discussing something.
16	Q So you were cuffed almost immediately	16	In the interim, I had asked them I was in
17	from the time that this six-minute interval	17	deep pain if he would help me out because I'm
18	occurred?	18	bleeding.
19	A Correct, sir.	19	Q Who did you ask?
20	Q And all punches and kicks were	20	A I don't remember which officer it was.
21	delivered after you were cuffed, correct?	21	Q One of the these two though, Yurkovic
22	A Correct, sir.	22	or Oels?
23	Q And while you were cuffed, you didn't	23	A One of the officers there.
24	seek to get control of any officer's gun. Is that	24	Q It was either these two though,
25	right? PERIOR COURT REPORTERS, INC. 201-94	25	Yurkovic or Oels, that you asked for medical

Ç as		P <mark>I</mark>	aken on September 34, 2908, 49 Page Pere 181 10 284 of 286
1	attention?	1.	283 My response with him was, "I'm dying," you
1 2	A Yes.	1	
-		2	,,,,,
3	Q And what did they say to you when you asked for it?	3	felt my whole body is aching me. I'm bleeding.
4		4	I'm achy and also in shock.
5	A EMT came a little bit after that, so	5	At that point, his response was I don't
6	they sent me to the EMT.	6	know if the EMT said something to him, but back and
7	Q Did you hear one of theme calling for	7	forth his response was, "If you want to go, I'm
8	an EMT?	8	going to double your bail, but stop delaying; and
9	A I don't recall. All I knew	9	we're going to go baby-sit you anyway, so you might
10	Q How long after you asked for the	10	as well go to jail," and I said, "Sergeant, I'm
11	medical attention did the EMT arrive?	11	dying, I need to go."
12	A I'd say it was probably a good ten	12	Q You would agree that the statement of
13	minutes.	13	"I'm dying" was a gross exaggeration, wouldn't you?
14	Q Okay. And what did the EMT do?	14	A Yes, sir.
15	A She came. She started to wash me	15	Q Were you trying to impress upon him
16	like, you know, look at me with like that peroxide	16	that you really wanted to go to the hospital?
17	and stuff like that; and then she said, "You look	17	A Exactly. At that point
18	like you're seriously hurt. We should take you to	18	Q Anything else in this story that you
19	the hospital."	19	grossly exaggerated other than that statement?
20	While she was cleaning my was that after?	20	A No, sir. That's what I said to him,
21	At some point, again I don't recall if the EMT was	21	"dying," the word "dying."
22	there first or Sergeant Oels had approached me	22	Q And that's the only thing in this
23	first, but he came up to me saying, "You're in big	23	story from the time that Yurkovic came up that you
24	trouble. You're going to jail." My response to	24	have exaggerated?
25	him was, "For what?" because, again, I'm arrested,	25	
23	282	123	A Correct, sir.
1	I don't know why I'm in there for. He said, "You	1	- !
2	tried taking their gun."	1	MR. KOBIN: Objection to the form.
ŀ	<u> </u>	2	A At that point he walked away, came
3	He said something else to me, and then my	3	back, I don't know, a little bit after that and
4	response was to him was, "Sergeant, all due	4	said, "Fine. Let's go, and we're taking you.
5	respect, you heard their side of the story. Aren't	5	We're going to baby-sit you," so.
6	you going to listen to me?"	6	Q And then was that same EMT taking you
7	At that point he said something to the	7	to the hospital or was there another ambulance
8	effect of "Shut the fuck up. I'm not going to	8	called?
9	believe you over my men."	9	A Same car, same ambulance.
10	I responded to him again, "This is like a	10	Q Do you recall whether Officer Oels
11	Mafia here," and they all pretty much shook their	11	rode in the ambulance with you?
12	head and said, "Yeah."	12	A Yes, sir.
13	The EMT was also cleaning me would you	13	Q And he was the only officer in the
14	like me to continue or stop?	14	ambulance with you?
15	Q Keep going.	15	A Yes, me and Oels.
16	A The EMT at that point was cleaning me	16	Q And did you know that there was a
17	up. She had mentioned that, you know, "I believe	17	patrol car following?
18	you have to go to the hospital," this and that; and	18	A I don't recall.
19	I said, "Go tell them. Tell the sergeant."	19	Q All you know is once you got there
20	She went and said something to him. He came	20	A Sergeant Oels was
21	running over or walking over to me, but you	21	Q Yurkovic was in the area and
22	know, seemed a little aggravated and said something	22	Sergeant Oels was there, correct?
23	to the effect, "Don't waste time. You're going to	23	A Correct.
24	jail no matter what. Be a man. Don't be a pussy.	24	Q And then all this stuff happened with
25	You're going to jail means you're going to jail."	25	Sammy?
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